

Teachers, Administrators, and Other School Personnel

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Introduction

It has been called "the most political and the most public of all the professions."¹ Its ranks nationwide have swelled to nearly 2.8 million; nearly half its members hold post-graduate degrees. Its members also boast a median 15 years of experience in a profession that has been plagued by shortages, depressed salaries, and sometimes difficult working conditions.² Yet many agree that no other profession brings similar personal and professional rewards and satisfaction. As increasingly complex technology and a fiercely competitive global workplace challenge our public education system to produce skilled, motivated graduates, teachers arguably remain "the most important resource in the educational lives of our children."³

Redefining the Teaching Profession

Teachers have been described as "suffering heroes"--bright, capable individuals who saw education as a "noble calling," expecting few rewards or recognition for their dedication.⁴ Others have viewed teaching as a predominantly female profession, a "low status enterprise" subject to lower wages and excessive bureaucratic control.⁵ Still others acknowledge that the teacher must not only manage a classroom, respond to the daily concerns and demands of school boards, administrators, and parents, and ensure the delivery of quality instruction; they must "intuitively...merge topical streams, capitalize on personal experience, and draw out and preserve a youngster's line of thought."⁶

¹ M. Haberman, "Licensing Teachers: Lessons from Other Professions," Phi Delta Kappan 719 (June 1986)[hereinafter referred to as Haberman].

² U.S. Department of Education, National Center for Education Statistics, Digest of Education Statistics 1993 at 1, 78, 79 (October 1993) [hereinafter referred to as Digest of Education Statistics].

³ M. Tucker and D. Mandel, "The Carnegie Report--A Call for Redesigning the Schools," Phi Delta Kappan 24 at 27 (September 1986) [hereinafter referred to as Tucker and Mandel].

⁴ T.G. Boman, "The Last of the Suffering Heroes," Phi Delta Kappan 251 (November 1991).

⁵ "Higher Entry Standards and Higher Pay May Help Ease Teacher Shortage," Phi Delta Kappan 557 (March 1987) [hereinafter referred to as "Higher Entry Standards"]; W.D. Hawley, "Toward a Comprehensive Strategy for Addressing the Teacher Shortage," Phi Delta Kappan 712 (June 1986) [hereinafter referred to as Hawley].

⁶ R.E. Stake, "The Teacher, Standardized Testing, and Prospects of Revolution," Phi Delta Kappan 243 at 245 (November 1991) [hereinafter referred to as Stake].

Contrary to public perception, teachers often work long hours, exacerbated by overcrowded classrooms, increased expectations, and expanded duties.⁷

That teaching was perceived as a decreasingly attractive--or, at least, discouraging--career choice has been evidenced by recurrent shortages throughout the 20th century. Broader professional opportunities for women and minorities, combined with retirements and increasing of qualified teaching candidates, reduced the pool of qualified candidates. Inner cities, rural areas, and high-growth regions, such as the South and West, have traditionally been more severely affected by teacher shortages. Citing a baby "boomlet," declining numbers of education students, teacher retirements, and career changes, experts predicted a teacher shortage of "historic proportions" as recently as 1986. This shortage was expected to affect not simply the overall supply of teachers, but especially minority teachers and those qualified to teach math and science.⁸

While the demand for teachers was expected to continue through the 1990s, exceeding the supply by as much as 20 percent, some experts nonetheless predicted that improvements in the profession and economic factors would ensure an ample supply of teachers. Contending that certain geographic areas have always had difficulty recruiting and retaining teachers, these experts have maintained that teaching is "too diverse a profession" to be described in terms of shortages or surpluses.⁹ Fear of critical teacher shortages has typically prompted cries for a variety of emergency measures, ranging from provisional or alternative certification, increased salaries, recruitment incentives, and, interestingly, more rigorous as well as more relaxed training and placement requirements.¹⁰

It is perhaps this fear of a teacher shortage, combined with efforts of the education reform movement, that may have prompted the current trend toward redefining teaching as a profession. Two major reports--one produced by the Carnegie Task Force, comprised of business, government, and education leaders; the other by the Holmes Group, a consortium of university deans--offered recommendations for reforming not only teacher education but teaching as a profession. Released in 1986, these reports identified low salaries and poor working conditions as impediments to teacher recruitment and retention and to developing professional pride and independence. Each study sought ways to "provide the nation with teachers who have all the attributes of

⁷ P. Clamp, "Let's Shrink the Expanding Workday," Education Digest 62 (October 1992).

⁸ "Higher Entry Standards," supra note 5, at 557; G. Watts, "And Let the Air Out of the Volleyballs," Phi Delta Kappan 723 (June 1986) [hereinafter referred to as Watts]; Hawley, supra note 5, at 712.

⁹ A. Shanker, "The Revolution That's Overdue," Phi Delta Kappan 311 at 315 (January 1985); "Controversial Report Says Teacher Supply Keeping Pace with Demand," Phi Delta Kappan 479 (February 1987) [hereinafter referred to as "Controversial Report"].

¹⁰ Watts, supra note 8, at 724; L. Darling-Hammond, "The Coming Crisis in Teaching," Phi Delta Kappan 2 (February 1985) [hereinafter referred to as Darling-Hammond].

genuine professionals, including the prestige, high earnings, and autonomy that accrue to competent people who are engaged in important matters in ways that are beyond the talents or training of the ordinary person." National standards for teacher certification were touted as a possible method of ensuring quality and professionalism.¹¹

Competitive salaries and higher standards alone, however, may not be sufficient to "professionalize" teaching. Experts contend that according appropriate professional status to teaching may also require increased teacher involvement in the development of standards of practice, autonomy and responsibility commensurate with competence, and improved teacher education.¹² The need to free teachers from "noneducational burdens" in the classroom was noted in *America 2000*, the President's 1991 education strategy.¹³ Educators have agreed that the restructuring of public education--and the revitalization of teaching--necessitates careful balancing of testing and accountability with the "ingenuity and experience of American teachers."¹⁴

Current Profile of the Public School Teacher

The teaching profession may have rebounded from dire predictions of shortages and declining quality of new and prospective teachers. Countering previous perceptions of teaching as a "low status" profession are data indicating that the caliber of new teachers is rising. A 1985 report indicated that nearly one-third of teachers with less than five years' experience graduated with honors; 41 percent of these individuals were on the dean's list.¹⁵ Between 1985 and 1993, the teaching profession grew by 11 percent; the number of public elementary and secondary school teachers engaged in classroom instruction now totals 2.5 million, while 0.4 million teach in private schools. The number of public school teachers has increased faster than the number of pupils in recent years, resulting in a lower pupil-teacher ratio. Public school teacher salaries outpaced inflation in the 1980s, increasing 18 percent between 1982-83 and 1992-93, perhaps reflecting a renewed commitment by states and localities to improving teacher compensation as well as to securing the highest quality instructional personnel.¹⁶

¹¹ F. Keppel, "A Field Guide to the Land of Teachers," Phi Delta Kappan 18 at 19 (September 1986) [hereinafter referred to as Keppel]; Tucker and Mandel, supra note 3, at 24; F.B. Murray, "Goals for the Reform of Teacher Education: An Executive Summary of the Holmes Group Report," Phi Delta Kappan 28 (September 1986).

¹² Darling-Hammond, supra note 10, at 2, 3.

¹³ U.S. Department of Education, America 2000: An Education Strategy at 3 (1991) [hereinafter referred to as America 2000].

¹⁴ Stake, supra note 6, at 243.

¹⁵ "Controversial Report," supra note 9, at 481.

¹⁶ Digest of Education Statistics, supra note 2, at 1.

Data for 1990-91 indicated that more than one-third of Virginia's public school teachers held post-graduate degrees, just slightly below the national average. Teachers with 10 to 20 years' full-time experience comprised 41.4 percent of the profession, while those with 3 to 9 years' experience accounted for 28.6 percent. Representing 7.9 percent of Virginia public school teachers were those with less than three years' experience; "veterans" with more than 20 years in the classroom totaled 22.2 percent. The average salary in 1990-91 was an estimated \$32,692, compared to a national average of \$32,880.¹⁷

Qualifications and Licensure

The regulation of the teaching profession has invited countless comparisons to the regulation and governance of other professions, such as medicine, pharmacy, and law. In contrast to these latter professions, teaching is regulated not by its members, but by the states. The unique nature of the teaching profession--reflecting the conditions under which it is practiced, the public's interest in maintaining the highest quality in public education, and the public funding that provides compensation--may prohibit the application of any truly analogous comparisons.¹⁸ Experts contend that the development of national practice standards, promoted by education reformists and supported by the 1986 Governor's Commission on Excellence in Education, may enhance teaching by according the profession national assessment and recognition similar to that of other professions.¹⁹

The Regulation of Teaching in the Commonwealth

Consistent with its constitutional responsibility for the "general supervision" of the public school system, the Board of Education is statutorily directed in the Standards of Quality to promulgate regulations governing the licensure of teachers in the Commonwealth. Employment as a public school teacher in the Commonwealth is contingent upon this licensure. The present licensure provisions reflect 1992 amendments designed to facilitate the implementation of any national teaching standards, as statutory references to the "certification" of public teachers have been supplanted by "licensure." Current Board regulations address teacher preparation and training requirements; issuance, revocation, suspension, and reinstatement of licenses; and qualifications for administrative, supervisory, and instructional and noninstructional positions in the public schools. The purpose of the licensure regulations is to "maintain standards of professional competence." The Superintendent of Public Instruction is

¹⁷ Id. at 78, 86.

¹⁸ Haberman, supra note 1, at 722.

¹⁹ The Report of the Governor's Commission on Excellence in Education, Excellence in Education: A Plan for Virginia's Future at 12 (October 1986) [hereinafter referred to as Excellence in Education]; see also, Tucker and Mandel, supra note 3, at 24, 25.

authorized to make modifications in the administration of these regulations in "exceptional cases."²⁰

Full and Provisional Licenses

Teacher shortages have prompted most states to issue emergency certificates or licenses, which, in some cases, may not require the holder to have a bachelor's degree. Only Virginia and Vermont have declined to follow this route.²¹ Licensure as a teacher in Virginia may be obtained through completion of a state-approved teacher preparation program and through reciprocity with another state. Recognizing "the unique strengths of prospective teachers from nontraditional backgrounds," the Board of Education has also developed regulations for an alternative route to teacher licensure.

The Commonwealth issues seven different school personnel licenses: provisional, collegiate professional, technical professional, pupil personnel services, superintendent, vocational evaluator, and postgraduate professional licenses. Board regulations state that all applicants for licensure as a teacher must be 18 years of age and must possess "good moral character." Teachers holding baccalaureate degrees and seeking initial licensure must complete a professional teacher's examination prescribed by the Board; however, candidates for the Technical Professional, Vocational Evaluator, and Pupil Personnel Services licenses need not take this examination. In addition, persons who have completed at least two years of full-time, successful teaching experience in an accredited public or nonpublic school, grades K through 12, prior to applying for an initial Virginia license, are exempt from the assessment requirement. With the exception of the Technical Professional License, a baccalaureate degree from an accredited institution of higher education is required for all licenses. Fees are required for all initial licenses.

Provisional Licenses. This three-year, nonrenewable license may be issued to persons who are employed and who (i) hold a baccalaureate degree from an accredited institution and who meet the requirements for one or more endorsement areas (in-state or out-of-state); or (ii) are entering the teaching profession through an alternative route to licensure upon the recommendation of the employing educational agency; or (iii) fail to meet an allowable portion of general, professional, or specific endorsement requirements; or (iv) are seeking the Technical Professional License; or (v) are eligible for licensure but need to complete successfully the professional teacher's assessment prescribed by the Board.

Collegiate Professional License. This five-year, renewable license may be granted to an applicant who has satisfied all requirements for licensure, including the

²⁰ Va. Constitution, Art. VIII, § 4 (1987); Va. Code §§ 22.1-253.13:3; 22.1-298; 22.1-299 (1993); Virginia Board of Education, Licensure Regulations for School Personnel at 5-7, §§ 2.1, 3.1, 3.7 (1993) [hereinafter referred to as Licensure Regulations].

²¹ R. Roth, "Emergency Certificates, Misassignment of Teachers, and Other 'Dirty Little Secrets,'" Phi Delta Kappan 725 at 726 (June 1986) [hereinafter referred to as Roth].

prescribed teacher assessment. Other eligible candidates include the out-of-state applicant who holds a current, valid license from that state or who has completed an approved teacher preparation program in another state in a comparable endorsement area and has satisfied the teacher's assessment requirement.

Technical Professional License. Also awarded on a five-year, renewable basis is the Technical Professional License. This license is available to an applicant who has graduated from an accredited high school or possesses a General Education Development (GED) Certificate and who does not have a baccalaureate degree. The teacher assessment is not required. In addition, the applicant must demonstrate "academic proficiency, technical competency, and occupational experience." These candidates must (i) hold a license issued by the appropriate Virginia board for those program areas requiring a license and a minimum of two years of satisfactory experience at the journeyman level or an equivalent; or (ii) have completed a registered apprenticeship program as well as two years of satisfactory experience at the journeyman level or an equivalent level in that trade; or (iii) have four years of work experience at the management or supervisory level or a combination of four years of training and work experience at the management or supervisory level. Applicants must have completed nine semester hours of specialized professional studies credit from an accredited institution of higher education. Finally, the employing educational agency must recommend the applicant for this license.

Pupil Personnel Services License. Available to an individual who holds a graduate degree from an accredited institution with an endorsement for guidance counselor, school psychologist, school social worker, or visiting teacher, this license is granted on a five-year, renewable basis. Board regulations specify that teaching experience is not required to receive this license.

Postgraduate Professional License. Applicants who have qualified for the Collegiate Professional License and have obtained an appropriate earned graduate degree may receive this five-year, renewable license.

Superintendent Professional License. This five-year, renewable license may be granted to persons who have a master's degree and who are listed on the Board of Education's Eligible List of Division Superintendents. Eligibility for this license is contingent upon completion of one of the following options:

Option 1: Applicant must hold a doctorate degree in educational administration or educational leadership from an accredited institution and must have completed five years of educational experience in a public school or accredited nonpublic school. Two years of this experience must be comprised of teaching experience at the K-12 level and two years of administrative or supervisory experience at the K-12 level.

Option 2: Applicant must hold a master's degree plus 30 hours of additional graduate study and must have completed requirements for

principal endorsement, demonstrating competency in a variety of areas, such as leadership, budget management, school law, and personnel management. Like Option 1, five years of teaching experience are necessary, two of which must be of teaching experience at the K-12 level and two years of administrative or supervisory experience.

Option 3: Applicant must hold a master's degree, have a valid, current out-of-state license with an endorsement as a division superintendent, and have completed five years of teaching experience, two of which must be of teaching experience at the K-12 level and two years of administrative or supervisory experience.

Vocational Evaluator License. A five-year, renewable license, this is granted to individuals holding at least a bachelor's degree and who have completed a minimum of 150 hours of orientation to vocational education under the supervision of a practicing, certified, school-based vocational evaluator. The orientation component may be concurrent with employment, but must be completed by December 1 or no later than the third month of employment. Applicants must meet one of the following options:

Option 1: Applicant must be Certified in Vocational Evaluation (CVE) and must have met all standards and criteria of the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists (CCWAVES).

Option 2: Applicant must hold a master's degree in vocational evaluation, vocational education, special education, or rehabilitation counseling.

Option 3: Applicant must hold a bachelor's degree in vocational education, vocation evaluation, special education, or rehabilitation services and complete a minimum of 30 hours of course work, with at least six hours each in client services, vocational aspects, vocational evaluation, and psychology.²²

Renewal of Licenses

The inclusion of the professional development of teachers in the Standards of Quality reflects the Commonwealth's belief that "effective educational leadership and personnel and appropriate programs of professional development and training are essential for the advancement of public education..."²³ Recognizing the need for increased emphasis on the continuing training and education of Virginia's teachers, the

²² Licensure Regulations, supra note 20, at 3-4, 6, 7, 51, 57-58; §§ 1.1; 3.2; 3.8; 8.1; 8.9; Va. Code § 22.1-298 (1993).

²³ Va. Code § 22.1-253.13:5 (1993).

1986 Governor's Commission on Excellence in Education recommended revision of the renewal (at that time, recertification) system to provide broader options through individualized plans based on a point system. The Commission also suggested that every teacher should have, or be striving toward, a graduate degree in his area.²⁴ These recommendations are reflected in the regulations of the Board of Education governing license renewal.

Prior to the development of this point system, renewal required the completion of six semester hours of college-level courses or, alternatively, three semester hours of course work and three hours of noncollege credit course work. Prompted by the need for specialized plans for experienced teachers, the new point system provides a variety of continuing education opportunities, to be selected by the teacher and an advisor designated by the employing school board. With the exception of the Provisional License, all teaching licenses are renewable upon the accrual of 180 professional development "points" during the five-year license period, based on an individualized professional development plan. License holders may garner professional development points through one or more of 10 options: college credit; professional conference; peer observations; educational travel; curriculum development; publication of an article; publication of a book; mentorship; educational projects; and professional development activities offered by the employing school board.

This system incorporates a minimum of 90 points--or three semester hours--of undergraduate (two- or four-year institution) or graduate level course work in the license holder's endorsement area for teachers without a master's degree. Special education course work designed to assist classroom teachers and other school personnel in working with disabled students may be completed to satisfy the content course requirement for one renewal cycle. Technical Professional License holders without bachelor's degrees may meet the content area requirement through attendance at vocational education workshops or institutes or through undergraduate course work. With prior approval by the division superintendent, the license holder may satisfy the content area requirement through course work undertaken to obtain a new teaching endorsement or to meet a particular need of the teacher. The remaining 90 points are gained through participation in one or more of the 10 options; this work is designed to provide the teacher with opportunities to pursue additional knowledge in her present grade level or content area or in a field to which she has been assigned or seeks additional endorsement. Professional development includes remediation to meet minimum standards of competency as well as efforts to increase knowledge of new developments in the teacher's particular field.²⁵

These renewal requirements apply to any teacher wishing to maintain a license, whether the individual is unemployed or teaching in a private school or other educational

²⁴ Excellence in Education, *supra* note 19, at 11, 12.

²⁵ Virginia Department of Education, Office of Professional Development and Teacher Education, The Virginia Recertification Manual at 1 (July 1990)[hereinafter referred to as Recertification Manual]; *see also*, Licensure Regulations, *supra* note 20, at 9, § 3.9.

agency. In addition, the renewal of expired licenses requires accrual of 180 professional development points.²⁶

Suspension, Revocation, and Denial of Teaching Licenses

Revocation. Based on its broad authority to promulgate regulations "as may be necessary to carry out its powers and duties," the Board of Education has established specific grounds for the revocation of teaching licenses:

1. Obtaining or attempting to obtain a license by fraudulent means or misrepresentation;
2. Falsification of school records, documents, or reports;
3. Conviction of a felony;
4. Conviction of a misdemeanor involving moral turpitude;
5. Conduct, such as immorality, or personal condition detrimental to the health, welfare, discipline, or morale of students or to the "best interest" of the public schools;
6. Misapplication of or failure to account for school funds or other school properties with which the licensee has been entrusted; and
7. Other good and just cause of a similar nature.

The Board of Education may reinstate a license that has been revoked after five years upon a determination that the reinstatement is in the best interest of the teacher and the public schools. The teacher must apply to the Board for this reinstatement.²⁷

Suspension. Statutory authority for the suspension of teachers is found in § 22.1-315, which specifically sanctions suspensions "for good and just cause" when the safety or welfare of the school division or students is threatened or when the teacher has been charged by a warrant, summons, indictment, or information with the commission of a felony, a crime of moral turpitude, or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child. Board regulations add incompetence or neglect of duty; physical, mental, or emotional incapacity as shown by competent medical authority; and willful violation of contractual obligations to the statutory grounds for suspension. With the exception of suspensions based on felonies or crimes of moral turpitude, suspensions may not exceed 60 days; a written explanation for the

²⁶ Recertification Manual, supra note 25, at 20, 21; see also, Licensure Regulations, supra note 20, 9, § 3.9.

²⁷ Va. Code § 22.1-16 (1993); Licensure Regulations, supra note 20, at 10, 12, § 4.1.

suspension and an opportunity for a hearing before the school board must accompany any suspension exceeding five days. Pursuant to Board regulations, no suspension may exceed five years. The license may be reinstated by the Department of Education, upon request, when all requirements for renewal have been satisfied.

Pursuant to statute, only teachers suspended on the basis of a felony, crime of moral turpitude, or sexual or physical abuse of a child may be suspended without pay; a school board hearing is required to withhold compensation. Any withheld moneys are held in escrow and released, with interest, to the teacher upon the dismissal of or exoneration from these charges. The school board is entitled to the escrowed salaries of those teachers found guilty of these charges. Insurance benefits may never be suspended or terminated due to teacher suspension.²⁸

Investigation of Complaints. The suspension and revocation processes are initiated by a written complaint, which may be filed by anyone; however, division superintendents, principals, and "other responsible school employees" have an express duty to file complaints against teachers in cases involving those offenses detailed in Board regulations. The division superintendent or a designated representative must investigate the complaint and notify the complainant in writing if the complaint is determined to be "without merit." Although this determination is deemed final, the school board may, on its own motion, hold a hearing on the complaint.

A determination by the division superintendent or the school board that there is reasonable cause to believe that a complaint is "well-founded" will result in the notification of the teacher by a written petition for revocation or suspension of the license setting forth the alleged offenses, the complainant's name, and other information. Receipt of this petition presents the teacher with several options: he may respond in writing within 14 days (i) that he does not wish to contest the charges and may voluntarily surrender his license with a statement requesting suspension or cancellation; or that (ii) he denies the charges, thus requiring the school board to provide a hearing at its next regular meeting or at another specified time, subject to 14 days' notice. Should the teacher simply file a written answer admitting the charges, refuse to accept delivery of the petition, fail to respond within the 14-day period, or fail to leave an adequate address for delivery of the petition, a school board hearing is still required.²⁹

Hearing Procedures. An elaborate two-tiered hearing process is established by the Code of Virginia and Board regulations to balance the protection of individual due process rights with state education and pupil welfare interests. Consistent with school board hearing requirements included in the teacher grievance procedure, school board hearings granted in suspension cases must be private, unless the teacher requests a public one. The teacher may appear with or without a representative and present witnesses and

²⁸ Va. Code § 22.1-315 (1993); Licensure Regulations, *supra* note 20, at 12-14, § 4.3.

²⁹ Licensure Regulations, *supra* note 20, at 10-13, §§ 4.1, 4.3.

other evidence. Following its hearing, the school board must receive the recommendation of the division superintendent.³⁰

The school board must give the teacher its written decision within 30 days of the hearing. A majority of a quorum is necessary to suspend, dismiss, or place on probation.³¹ Recommendations to dismiss charges are final; recommendations of suspension or license revocation are forwarded by the division superintendent to the Superintendent of Public Instruction, who must ensure that a three-to-five member state investigative panel, selected by the Division Chief, Compliance Coordination, Virginia Department of Education, reviews the complaint. The teacher and school division representative must receive 14 days' notice of this hearing and are entitled to be present. The panel's recommendation is given to the Superintendent for presentation to the Board of Education. The Superintendent will then submit his report to the Board of Education or a designated committee at the next scheduled meeting, affording the teacher an additional opportunity to present "material and relevant evidence." At the conclusion of this hearing, the Superintendent submits a recommendation to the Board, which then has 14 days to enter an order containing findings of fact that sustain or dismiss the case. The teacher has a right to appear at the local school board and Board of Education hearings and may be represented by counsel at these proceedings.

The teacher is notified of any decision not to revoke or suspend a license. The Board of Education will then close its files on the case; other records and materials are destroyed. A more formal procedure is followed when suspension or revocation is ordered; the teacher and the chief complainants are notified and the Board's order is entered in its meeting minutes.³²

While the school board retains "exclusive final authority" over employment and supervision matters, such as dismissals, suspensions, and probations, the Board of Education has nonetheless reserved the right, in those cases not addressed by regulation, to revoke or suspend directly a teaching license. The teacher must be granted an opportunity for a hearing before the Board.³³

It is the duty of the Superintendent of Public Instruction to notify division superintendents of any revocation, suspension, cancellation, or denial of a teaching license. The Superintendent is also responsible for sending these notices to chief state school officials in other states.³⁴

³⁰ Va. Code §§ 22.1-315; 22.1-311; 22.1-313 (1993); Licensure Regulations, supra note 20, at 15, §§ 4.3(D)(4), 4.5, 4.6, 4.7.

³¹ Va. Code § 22.1-351 B, C (1993).

³² Licensure Regulations, supra note 20, at 15, §§ 4.5, 4.6, 4.7.

³³ Va. Code § 22.1-313 (1993); Licensure Regulations, supra note 20, at 12, §§ 4.1(H); 4.3(E).

³⁴ Licensure Regulations, supra note 20, at 16, § 4.8.

Cancellation. Pursuant to Board of Education regulations, teaching licenses may be canceled by voluntary return of the license by the individual or for the same reasons cited for revocation. In addition, a license may be canceled when a teacher, responding to a petition for revocation, indicates that he does not wish to contest charges. A canceled license may be reissued pursuant to regular application procedures; the Board must determine that reinstatement "is in the best interest of the former license holder and the public schools of the Commonwealth."³⁵

Denial of Renewal or Reinstatement. A teaching license may be denied for the following reasons:

1. Obtaining or attempting to obtain a license by fraudulent means or misrepresentation of material facts;
2. Falsification of school records, documents, or reports;
3. Conviction of a felony;
4. Conviction of a misdemeanor involving moral turpitude;
5. Conduct, such as immorality, or personal condition detrimental to the health, welfare, discipline, or morale of students or to the "best interest" of the public schools;
6. Revocation of the license by another state; and
7. Other good and just cause of a similar nature.

The renewal or revival of an expired teaching license may be denied by the Superintendent of Public Instruction on the basis of any of the acts constituting grounds for revocation. Again, the teacher must be afforded an opportunity for a hearing prior to denial or renewal or reinstatement.³⁶

Teacher Preparation and Training

The effective preparation of teachers is universally recognized as a critical ingredient in any quality system of public education. Acknowledging that "a profession is only as strong as its practitioners are competent,"³⁷ educators and government leaders have collectively strived to ensure that the education and training of the nation's teachers

³⁵ *Id.* at 12, § 4.2.

³⁶ *Id.* at 14, § 4.4.

³⁷ Roth, *supra* note 21, at 725.

provide the essential knowledge, skills, and perspectives required for classroom instruction. In recent years, a number of groups have recommended discarding the education major in favor of more subject-matter intensive educational requirements.³⁸ To support its contention that teacher education should be "academically challenging," the Governor's Commission on Excellence in Education recommended the abolition of the undergraduate education degree; in its place, a degree in arts and sciences, incorporating specially-designed professional education courses, not to exceed 18 semester hours, would provide the "thorough grounding" necessary to teach in the Commonwealth.³⁹

Inherent in its authority to regulate the licensure of teachers is the power of the Board of Education to prescribe training requirements for applicants who did not seek licensure through completion of a state-approved teacher preparation program at one of 37 public or private four-year institutions of higher education in Virginia. Board regulations specify that these prospective candidates for licensure, with the exception of those seeking the Technical Professional License, must meet certain general as well as professional study requirements. They must complete 46 semester hours of **general studies**, dispersed among written and oral communication skills (including English grammar and composition), the humanities, social and natural sciences and mathematics, and school health and physical education. Targeting child development and instructional methods, **professional studies** combine 200 clock hours of supervised classroom experience--commonly referred to as student teaching--and 15 semester hours of course work.

Implicit within the requirements for initial licensure for all applicants (with the exception of the Division Superintendent and Vocational Evaluator Licenses) is the requirement for **endorsement** in a particular specialty area or field of service. Licensed teachers may, however, obtain "add-on" endorsements to enhance their skills or eligibility for other teaching positions. Board regulations outline courses of study and teaching requirements necessary to obtain endorsement in areas as diverse as adult education, art, business education, physical education, library media, music, English, foreign languages, mathematics, driver education, vocational education, specific sciences, and social studies.⁴⁰ Specific requirements are also delineated for eight different endorsements in special education. Applicants for these areas of specialization must satisfy various course and teaching experience requirements to teach children with particular needs, such as the hearing impaired, learning disabled, mentally retarded, or visually impaired.⁴¹

³⁸ Keppel, supra note 11, at 19; E.J. Meyer, "A Radical Proposal for Teacher Preparation," Phi Delta Kappan 728 (June 1986) [hereinafter referred to as Meyer].

³⁹ Excellence in Education, supra note 19, at 9, 10.

⁴⁰ Licensure Requirements, supra note 20, at 20-50.

⁴¹ Id. at 40-47.

Facilitating Teacher Training

While appropriate education and training will surely enhance the caliber of teachers, experts agree that a great portion of teacher education takes place "on the job."⁴² Some educators have recommended extended, supervised internships to assist in "labor intensive" training and to provide a "career ladder" of sorts for the more experienced teacher/supervisor.⁴³ These initiatives may be reviewed in Virginia by the 19-member **Advisory Board on Teacher Education and Licensure**, which makes policy recommendations regarding teacher qualifications, licensure, education, and other matters to the Board of Education. Representation by teachers, school administrators, faculty members, and business and local education leaders on the Advisory Board helps ensure varied perspectives and input. The Superintendent of Public Instruction, the Director of the State Council of Higher Education for Virginia (SCHEV), and the Chancellor of the Virginia Community System serve as *ex officio* members.⁴⁴

Another initiative facilitating teacher preparation and training in Virginia was the **Beginning Teacher Assistance Program (BTAP)**, created to provide support, orientation, and guidance for new teachers. Designed to counter some of the disillusionment and attrition often attributed to the critical first year of teaching,⁴⁵ BTAP included mentor teachers--specially trained to assist their less experienced colleagues. The Board of Education established guidelines for beginning teacher participation and mentor teacher training. Serving as fiscal agent for participating school divisions, the Board was to allocate any appropriations for local BTAP efforts, which could include compensation for mentor teachers. State funding for this program was short-lived, however; a 1990 appropriation was drastically reduced in 1991, and discontinued in 1992.⁴⁶

The clinical faculty programs at public or private institutions in Virginia also support teacher preparation. Utilizing specially trained, licensed public or private school teachers as supervisors of student teachers, this program represents a joint effort by the Board of Education, which develops guidelines for these programs and serves as fiscal agent, participating institutions of higher education, and SCHEV, which works cooperatively with the Board in the establishment of program criteria. This initiative provides the dual benefits of a "career ladder" for current teachers and an opportunity for

⁴² Meyer, supra note 38, at 730.

⁴³ Hawley, supra note 5, at 715, 716.

⁴⁴ Va. Code § 22.1-305.2 (1993); see also, Licensure Regulations, supra note 20, at 17, § 5.1.

⁴⁵ Hawley, supra note 5, at 715.

⁴⁶ Va. Code § 22.1-305.1 (1993); 1990 Acts of Assembly, c. 972; 1991 Acts of Assembly, c. 723.

new educators to gain valuable insights and perspectives from their more experienced colleagues.⁴⁷

Recruitment of New Teachers

Attempts to attract and retain "the best and the brightest" in the teaching profession have ranged from promises of increased teacher input in the development of professional standards, higher salaries, and improved facilities to greater career advancement opportunities within the classroom. One recruitment and retention initiative practiced nationwide is the teacher scholarship program that targets talented young people as well as individuals contemplating career changes or a return to the workforce. Often these scholarship or loan programs may incorporate a service requirement to ensure service in a particular subject or needy geographic area.

In Virginia, a variety of scholarship programs may support teacher education. The **Tuition Assistance Grant (TAG) Program** provides grants to bona fide Virginia residents attending private institutions of higher education. Loans made prior to July 1, 1980 are repayable by money or service to the Commonwealth. Service repayments for teachers and "those similarly situated" are calculated on the basis of one academic year of service for each year of tuition assistance. Administered by the SCHEV, the TAG Program has been allotted \$18,630,000 in each year of the 1992-94 fiscal biennium. Eligibility for a grant is limited to a total of four years of undergraduate and medical students and three academic years for graduate and professional students. The 1993 Appropriations Act limits TAG awards to \$1,500 for each year.⁴⁸

Also administered by SCHEV is the **College Scholarship Assistance Program**, which provides grants and loans for bona fide Virginia residents attending public or private institutions. Grants are limited to \$2,000 for each of the first years of undergraduate or graduate study. Loans made prior to July 1, 1978 to students at private institutions are repayable in money or by service. As in the TAG Program, teachers may repay their loans through one academic year of service for each year of assistance received.⁴⁹

Other general scholarship programs that may assist in teacher recruitment include the **Virginia Graduate and Undergraduate Assistance Program**, which provides grants and fellowships on a competitive basis, and the **Virginia Scholars Program**, offering merit-based scholarships with annual awards of up to \$3,000. In addition, student loans are available through the **Virginia Student Assistance Authorities**.⁵⁰

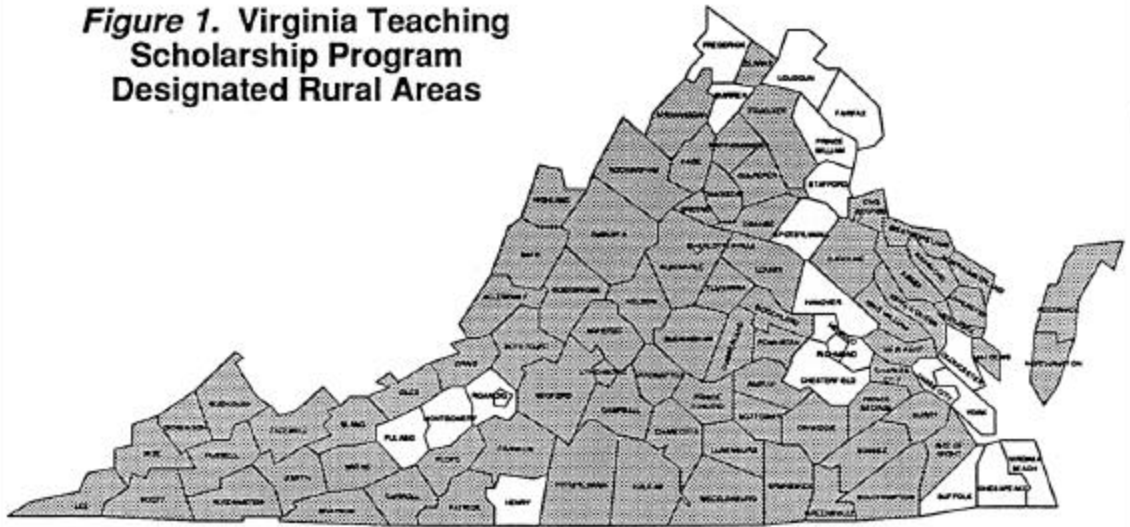
⁴⁷ Va. Code § 22.1-290.1 (1993).

⁴⁸ Va. Code §§ 23-38.12 *et seq.* (1993); 1993 Acts of Assembly, c. 994, § 1-47, Item 154 E.

⁴⁹ Va. Code § 23-38.45 *et seq.* (1993); 1993 Acts of Assembly, c. 994, § 1-47, Item 154 D.

⁵⁰ Va. Code § 23-38.19:1 *et seq.*; 23-38.30 *et seq.*; 23-38.53:1 *et seq.* (1993); 1993 Acts of Assembly, c. 994, § 1-47, Item 154 G, Item 155 F.

Figure 1. Virginia Teaching Scholarship Program Designated Rural Areas



Rural areas in gray.
Designation based on 1990 data for population, square miles, and less than 100 people per square mile.
Source: State Council of Higher Education for Virginia (August 1992).

Specifically dedicated to the recruitment and training of quality educators, however, is the **Virginia Teaching Scholarship Loan Program**. Designed to attract teachers in mathematics, science, special education, and foreign language endorsement areas, minority teachers in all content areas, and teachers to serve in those geographic regions demonstrating difficulty in recruiting and retaining teachers, this program will receive \$150,000 in general fund moneys in each year of the 1992-94 biennium. One-third of these teaching scholarships are earmarked for rural regions, determined on the basis of 1990 U.S. Census data. Scholarships are awarded to students at or above the junior year in college. In 1991-92, 247 scholarships were awarded--60 to returning recipients, 66 to special education majors, 34 to minority students, and 87 to those planning to teach at the early childhood level. As of August 1992, 58 awards had been made for 1992-93--27 each for special education and early childhood studies, and four to minority students. Of these 58 applicants, 50 had indicated a willingness to serve in a rural area.⁵¹

Board of Education scholarship loans also support teacher training. Awards may be made to students attending nonprofit institutions of higher education in Virginia. Board regulations establish a list of specialties eligible for these loans; awards for students preparing to teach in early childhood programs are statutorily mandated.⁵²

⁵¹ 1993 Acts of Assembly, c. 994, § 1-46, Item 130 B; § 1-47, Item 154 J; State Council of Higher Education for Virginia memorandum, August 20, 1992.

⁵² Va. Code § 22.1-290 (1993).

Employment and Compensation

Public school teachers are employed and placed within the school division by the school board, upon the recommendation of the division superintendent.⁵³ As a condition of employment, teachers and certain other school board employees must supply certification by a licensed physician that the employee appears free from tuberculosis. In addition, every school board employee must certify that he has not been convicted of any offense involving the sexual molestation, physical or sexual abuse or rape of a child. Materially false statements made regarding these convictions are punishable as a class 1 misdemeanor and constitute grounds for revocation of the teaching license.⁵⁴ In addition to this certification, school boards in certain jurisdictions require employees to submit to fingerprinting and to provide personal descriptive information to be forwarded through the Criminal Records Exchange to the Federal Bureau of Investigation to obtain criminal history records for convictions of specific crimes, such as murder, sexual assault, and possession or distribution of drugs.⁵⁵

Localities Requiring Fingerprinting and Criminal History Records Information for Prospective School Board Employees

Counties		Cities
Chesterfield	Louisa	Alexandria
Cumberland	Orange	Fredericksburg
Fairfax	Prince William	Hopewell
Fluvanna	Rockbridge	Manassas
Hanover	Spotsylvania	Radford
Henrico		Richmond

Staffing levels and assignment. Staffing levels in each school division are established pursuant to the Standards of Quality. Standard 1 requires each school board to employ, using state and local education funds, a minimum number of licensed instructional personnel for each 1,000 students in average daily membership as set forth in the appropriations act. Staffing levels are also detailed in the Standards of Accreditation. The school board must establish classroom ratios that do not exceed those specified in the Standards of Quality.⁵⁶ (See Chapter 3, Standards of Quality). In 1991-

⁵³ Va. Code § 22.1-295 (1993).

⁵⁴ Va. Code §§ 22.1-300; 22.1-296.1 (1993).

⁵⁵ Va. Code § 22.1-296.2 (1993).

⁵⁶ Va. Code §§ 22.1-253.13:1; 22.1-253.13:3 (1993); Virginia Department of Education, Standards and Regulations for Public Schools in Virginia at 27, § 8.1 (1993) [hereinafter referred to as Standards of Accreditation].

92, over 70,000 teachers were employed by local school boards across the Commonwealth.⁵⁷

Hiring Practices

The hiring of teachers in Virginia's public schools is primarily governed by Article 2, Chapter 15 of Title 22.1 of the Code of Virginia. All teachers in Virginia's public schools, except those who are temporarily employed, must have a written employment contract, in a form prescribed by the Board of Education, with the local school board. Temporarily employed teachers include those who are working as a substitute during a contracted teacher's absence and those who are employed to fill a teacher vacancy for no longer than 90 days in one school year. Separate contracts are required for compensated athletic coaching assignments that supplement a teaching position. Termination of the coaching contract does not affect the original teaching contract.⁵⁸

Probationary and Continuing Contract Status

Perhaps no other teacher employment issue has generated more discussion and review in Virginia than the probationary and continuing contract status of public school teachers. Under current law, a three-year probationary term of service in the same school division is required for the issuance of a "continuing" contract for a teacher; these contracts are then effectively renewed automatically each year, during "good behavior and competent service." Once continuing contract status has been reached, an additional probationary term need not be served in another division unless the employment contract so specifies. A one-year probationary term is required when a continuing contract teacher returns to teaching after a two-year absence. The Code is silent as to the length or necessity of any additional probationary terms when a teacher has spent more than two years away from the profession.⁵⁹

Continuing contract status entitles the teacher to a degree of job security as well as broader coverage under the teacher grievance procedure. Initially established in Commonwealth in 1969,⁶⁰ the continuing contract system has been assailed by critics who contend that it may promote complacency rather than excellence; its supporters praise its recognition of the qualified, experienced instructor and its protection of

⁵⁷ Virginia Department of Education, Superintendent's Annual Report for Virginia 1991-92 at 79 (1993)[hereinafter referred to as Superintendent's Report].

⁵⁸ Va. Code § 22.1-302 (1993).

⁵⁹ Va. Code § 22.1-303 (1993).

⁶⁰ 1968 Acts of Assembly, c. 691; see also, Report of the Joint Subcommittee Studying the Continuing Contract Status Law for Instructional and Administrative Personnel, Senate Document No. 31 at 2 (1988)[hereinafter referred to as Senate Document No. 31].

constitutional due process rights. Recognizing the difficulties some school divisions faced in removing ineffectual teachers, the 1986 Governor's Commission on Excellence in Education recommended a legislative study of Virginia's continuing contract law.⁶¹ While recommending that the Board of Education develop guidelines for the evaluation of teachers, the legislative study committee concluded in its 1988 report that the continuing contract system be maintained, with close monitoring of evaluation and grievance procedures and of the overall quality of Virginia's public school teachers.⁶² Today, teacher hiring contract law and practice in Virginia reflects the supervisory authority of local school boards, granted by the Virginia Constitution and confirmed by judicial decision, as well as statutory law and agency regulation.⁶³

Renewal of Employment Contracts. One significant difference between probationary and continuing contract is found in termination and renewal procedures. Teachers on probationary contract must await notification from the employing school division regarding reemployment; they must accept or reject in writing an offer of reemployment within 15 days of receipt of the reemployment notice. It is duty of the school board to supply written notice of nonrenewal by April 15. Failure to supply this notice by April 15 entitles the probationary teacher to a contract for the following year. Division superintendents must notify a probationary teacher of a proposed recommendation of nonrenewal. The probationary teacher may then request a confidential conference, and the division superintendent must communicate his recommendation to the teacher within 10 days following the conference. An additional 30 days are allowed to transmit this recommendation to the school board; the April 15 deadline is inapplicable in these cases. Should the recommendation of nonrenewal be based on an enrollment decrease or the elimination of particular subjects or classes, the probationary teacher is simply entitled to have a statement indicating these circumstances included in his personnel file.⁶⁴

In contrast, the continuing contract is renewed "during good behavior and competent service" until the teacher is eligible for retirement or required to retire. Written notice of noncontinuation by the teacher or the school board must be provided by April 15; otherwise, the contract automatically continues for an additional year, consistent with local salary stipulations.

Resignations. Any teacher, whether employed for a probationary term or pursuant to a continuing contract, may resign with the approval of the school board. Two weeks' written notice, setting forth cause, is required. The school board may

⁶¹ Excellence in Education, *supra* note 19, at 18.

⁶² Senate Document No. 31, *supra* note 60, at 11.

⁶³ Note, "'Working to the Contract' in Virginia: Legal Consequences of Teachers' Attempts to Limit Their Contractual Duties," 16 U. Rich. L. Rev. 449 at 450 (1982); Va. Const, Art. VIII, § 7 (1987).

⁶⁴ Va. Code §§ 22.1-304; 22.1-305 (1993).

decline to release the teacher from the employment contract on the basis of "insufficient or unjustifiable cause"; subsequent breach of the employment contract by the teacher may result in disciplinary action, including license revocation, by the Board of Education.⁶⁵

Budget Preparation. The April 15 date designated for contract renewal notices is ostensibly tied to local budget development and approvals. Development of an annual budget estimate for the support of public schools is the responsibility of each division superintendent and is subject to local school board approval. This estimate must be submitted to the governing body on or before April 1 of each year. Factored into this computation is the estimate of the Superintendent of Public Instruction of the proposed state basic aid to each locality, which must have transmitted to the school divisions and local governing bodies within 15 days of the adjournment of the legislative session. Approval of the education budget by the local governing body must occur by May 1 (or within 30 days of the receipt of the estimated state moneys, whichever occurs later) in the case of counties and by May 15 (or within 30 days of the receipt of the estimated state moneys, whichever occurs later) in the case of municipalities.⁶⁶

Recent Recommendations. Teacher contracts and hiring practices continue to receive legislative and agency scrutiny. Responding to the directives of House Joint Resolution No. 58 (1991), a special subcommittee of the House Committee on Education reviewed the practice by some school divisions of requiring teachers to resign or request permission before applying for a position in another school division. The resolution cited "gentlemen's agreements" among school divisions that may impede the teacher's "discretion, autonomy, and opportunity for advancement that is commensurate with professional work."

A staff survey conducted for the subcommittee compiled information regarding the formal and informal hiring practices followed by school divisions. Revealing a wide range of hiring and employment procedures, the survey indicated that while about three-fourths of responding school divisions had no policy or regulation governing the filing of employment applications by their teachers for positions in other divisions, only about 40 percent of school divisions had no policy regarding receipt of applications from teachers in other divisions. Policies addressing teacher resignations varied more widely, with about one-fourth of responding divisions stating that resignations are accepted only after a replacement is found.⁶⁷

The subcommittee's recommendations resulted in two pieces of legislation. House Joint Resolution No. 725 (1992) directed the Board of Education, in consultation

⁶⁵ Va. Code § 22.1-304 (1993).

⁶⁶ Va. Code §§ 15.1-160 (1989); 22.1-92; 22.1-93 (1993).

⁶⁷ Division of Legislative Services, C. Jackson and N. Szakal, Staff Survey on Teacher Contracts (1992).

with the Virginia Education Association and the Virginia School Boards Association, to develop a uniform policy for handling teacher applications, interviews, employment, and resignations. House Joint Resolution No. 160 (1992) would have created a joint subcommittee to continue reviewing teacher hiring practices. Although both measures failed, the education committees in each house and the Department of Education continued to examine these issues in 1992.

The Department of Education, in a December 1992 report to the Board of Education and the Senate Committee on Education and Health, recommended that standard teacher contract prototypes and a list of essential contract provisions be made available to local school boards. Acknowledging the need to balance professional development with local employment and budgetary constraints, the report also supported increased flexibility in disciplinary actions for breach of contract.

In addition, a three-phase employment process was proposed to enhance teacher mobility and increase stability in local hiring processes. During Phase I of the proposed model, spanning the current contract year until April 14, the teacher might apply and interview for a position for the upcoming school year. In Phase II, covering April 15 to May 31--or the date the employment contract is final, whichever occurs later--teachers might interview for the next year, but must be released from the current contract to accept a new position. Phase III, beginning June 1--or the day the contract is complete, whichever occurs later--the teacher contract is binding. Local school boards may release a teacher for good cause and enforce disciplinary action for breach of contract by the teacher. Finally, the Department recommended additional study of the April 15 renewal deadline and its impact on hiring and budget development.⁶⁸

Dismissal

Consistent with the established grounds for other disciplinary actions, grounds for the dismissal or placing on probation of teachers include incompetence, immorality, noncompliance with school laws and regulations, disability, conviction of a felony or crime of moral turpitude, or "other good or just cause." Pursuant to legislation adopted in the 1993 session, teachers may not be dismissed or suspended solely on the basis of refusal to submit to a polygraph examination. Employed by some school divisions to assist in the disposition of sexual abuse or molestation cases, these tests may be used on a voluntary basis only.⁶⁹

The division superintendent must notify the teacher of a recommendation to dismiss or place on probation. The teacher has 15 days to request a hearing pursuant to the grievance procedure. During this 15 day interim, and following, if a hearing is requested, the school board is not to consider or act upon the merits of the

⁶⁸ Virginia Department of Education, Report on Contracts for Local School Personnel and Uniform Hiring Procedures for Teachers at 15, 16 (December 1992).

⁶⁹ Va. Code §§ 22.1-307; 22.1-315 (1993).

superintendent's recommendation. The teacher may request reasons for the recommendations, in writing or in a personal interview. Should the teacher request a grievance hearing, he is entitled to inspect and copy his personnel file. In turn, the teacher must respond to any request by the division superintendent to inspect and copy any rebuttal documents.⁷⁰

Grievance Procedure

The grievance procedure for public school teachers in the Commonwealth is found in statute and Board of Education regulation. The Code of Virginia broadly defines "grievance" as a "complaint or dispute by a teacher relating to his or her employment." The grievance may include, but is not limited to, the following actions:

1. Disciplinary action, such as dismissal or placing on probationary status;
2. The application or interpretation of personnel policies, procedures, rules and regulations, ordinances, and statutes;
3. Acts of reprisal against a teacher for filing or processing a grievance, or serving as a witness or member of a fact-finding panel in a grievance procedure; and
4. Complaints of discrimination on the basis of race, color, creed, political affiliation, handicap, age, national origin, or gender.

While offering a seemingly expansive definition of "grievance," the statute specifically excludes certain complaints, such as those relating to the establishment or revisions of wages, salaries, benefits, and position classification; suspension or nonrenewal of probationary teachers; the establishment or content of various ordinances, regulations, or personnel policies; failure to promote; discharges prompted by enrollment decreases, insufficient funding, or elimination of certain courses or subjects; hiring and assignment decisions within the division; suspension from duties in emergencies; and the methods and means of local school division operations. These exclusions arguably recognize the exclusive right of the local school board to manage the affairs and operations of the school division--authority supported in statute and confirmed by the Virginia Supreme Court.

The grievance procedure offers contrasting protections to probationary and continuing contract teachers. While the nonrenewal of the probationary teacher's contract is specifically excluded from the procedure, the nonrenewal of the continuing contract is grievable as a dismissal. Continuing contract teachers may grieve a suspension; probationary teachers may not. The dismissal of any teacher during the term of his contract, however, is grievable.⁷¹

⁷⁰ Va. Code § 22.1-309 (1993).

⁷¹ Va. Code §§ 22.1-306; 22.1-308 (1993); School Board v. Parham, 218 Va. 950, 243 S.E.2d 468 (1978).

Although the Code enumerates many of the specific grievance procedure requirements, it is the Board of Education that is directed to prescribe the procedure. The procedure must include an initial, informal processing of grievances, except those involving dismissals or probations, through discussion with the immediate supervisor. After this "first step," the grievance must be placed in writing, specifying the relief sought, on forms prescribed by the Board and supplied by the local school board. The grievance procedure must also recognize the right of the grievant and the respondent to present witnesses and to be represented by legal counsel or other representative. The procedure must include reasonable time limitations for the submission of complaints and appeals. Failure by the grievant to comply with all substantial procedural requirements without just cause will result in termination of the grievance. Conversely, failure by the respondent to comply with substantial requirement entitles the grievant to advance to the next or final step of the grievance procedure. The "final step" in the grievance process provides a final decision by the local school board. Finally, the Board's grievance procedure may not restrict the right of any teacher or division superintendent to seek or provide review of complaints that are not included within the grievance definition.⁷²

The Hearing Process

Because individual due process rights may be affected in cases involving employment issues, the Code establishes a detailed, bifurcated process for addressing teacher grievances, providing alternative hearing settings for grievants.⁷³ Cases that do not involve dismissals or probations are subject to a "first step"--the initial processing of a grievance through discussion with the appropriate supervisor. If the case is not resolved at the first step, or if the case involves a dismissal or probation, the case may advance to the "second step," allowing the teacher or the school board to request a hearing before the school board or before a fact-finding panel.⁷⁴

Fact-finding panel. An elaborate selection process accompanies the election of a hearing before the three-member fact-finding panel. The teacher selects one member, a school division employee. The second member, also a school division employee, is chosen by the division superintendent. These two members select the third impartial panelist. If the two panelists cannot agree on a third member, the chief judge of the circuit court is then requested to provide a list of five qualified and impartial fact-finders from which the two panelists will choose the third member. The listed persons must reside in Virginia and possess some knowledge of public education and education law. The fact-finding panel is chaired by this third member. No elected officials may serve on the panel.

⁷² Va. Code § 22.1-308 (1993).

⁷³ See generally, Note, "Non-tenured Teachers and Due Process: The Right to a Hearing and Statement of Reasons," 29 *Wash. & Lee L. Rev.* 100 (1972).

⁷⁴ Va. Code § 22.1-310 (1993).

The hearing before the fact-finding panel must occur within 30 days of the panel's selection. The teacher and the division superintendent are permitted to bring a representative or legal counsel to the hearing, which shall be private at the request of the teacher. The fact-finding hearing may include opening statements, presentation of claims, witnesses, and evidence, as well as an opportunity for cross-examination. Exhibits are entered as evidence and included in the hearing record. At any time before the panel makes its recommendation, the hearing may be re-opened by the panel or upon application of the teacher and superintendent for good cause to hear after-discovered evidence.

Recommendations by the panel must be made by majority vote. The panel's written report must be filed within 30 days of the hearing with the school board members, the division superintendent, and the teacher. A stenographic tape or record of the hearings must be made in cases involving dismissals or probations. This record is kept for six months; the school board bears the cost of these transcripts. In other grievance cases, the parties may dispense with this record; should one or both parties request a record, the cost is born by the requesting party or parties.

The teacher is responsible for his own expenses in the fact-finding hearing. The local school board bears the expenses of the division superintendent. Panel expenses, including a per diem rate set by the teacher and the school board, are shared by the teacher and the school board.⁷⁵

A hearing before a fact-finding panel precludes the teacher from seeking a further hearing by a school board unless the case is one involving a dismissal or probation and the school board had requested the fact-finding panel. The school board may, however, seek an additional hearing in any grievance.⁷⁶

⁷⁵ Va. Code § 22.1-312 (1993).

⁷⁶ Va. Code § 22.1-310 C (1993).

Virginia Teacher Grievance Procedure

"Grievance" does not include revisions of wages, salaries, or position classifications; suspension or nonrenewal of the contract of a probationary teacher; establishment/content of policies, procedures, ordinances; failure to promote; discharges/layoffs due to enrollment loss, insufficient funding, or abolition of particular subjects; hiring practices within division; suspensions during emergencies; and operating methods. (Va. Code § 22.1-306).

Dismissals/probations

Other grievances

First step not applicable to dismissals
(Va. Code § 22.1-308 A 2)

informal, initial
processing of
grievance; discussion
with immediate superior

Second Step Grievance reduced
to writing
(Va. Code § 22.1-308 A 2)

Grievance
reduced to
writing

Hearing

Hearing

Teacher may request:
school board hearing or
(decision of school board final--
Va. Code §§ 22.1-309 ; 22.1-310 B)

Teacher or school board may
request fact-finding panel
(Va. Code § 22.1-310 A)

School board may request:
fact-finding panel
(Va. Code § 22.1-310 B)

Fact-finding panel results forwarded to school board

Additional hearing

Teacher may request hearing by school
board if school board had elected fact-
finding panel (Va. Code § 22.1-310 B)

Teacher has no right to
further hearing by
school board after fact-
finding panel

Additional hearing automatic when
school board decision is at variance with
fact-finding panel recommendations
(Va. Code § 22.1-313 C)

(Va. Code § 22.1-310 C)

School board decision
final (Va. Code § 22.1-313

A)

School board decision final
(Va. Code § 22.1-313 A)

The school board must transmit its written decision to the teacher within 30 days of its receipt of the transcript, if any, and recommendations of the fact-finding panel. If the school board's decision is at variance with the recommendation of the fact-finding panel, the school board must hold an additional hearing. This hearing must be public, unless the teacher requests that it be private; however, if the fact-finding hearing was private, the subsequent school board hearing must be private as well. The grievant and respondent may appear, testify, and have representation, but no examination or cross-examination of other witnesses is permitted. A majority vote of a quorum is necessary to dismiss, suspend, or place on probation. The school board's written decision must include a rationale.⁷⁷

School Board Hearing. Only the teacher may select this alternative as the initial hearing in a grievance case involving suspension, dismissal, or probation.⁷⁸ Division superintendents must provide written notice of recommendations of dismissal or probation to the affected teacher. Within 15 days of this notice, the teacher may request either a fact-finding panel or a school board hearing. The school board hearing must be private, unless the teacher requests otherwise, and must occur within 30 days of the teacher's request. The teacher has the option of appearing with or without a representative, may be heard, and may present testimony, witnesses, and other evidence. The school board must give the teacher its decision within 30 days of the hearing.⁷⁹

A school board hearing may also supplement a fact-finding hearing. The teacher or the school board may request a school board hearing within 10 days after receipt of the recommendations of the fact-finding hearing. In contrast to the hearing required automatically when the school board's decision differs from that of the fact-finding panel, this hearing does not restrict the examination or cross-examination of witnesses. The school board shall consider the fact-finding hearing transcript, recommendations, and any additional evidence, including witnesses who have testified before the panel, as it deems appropriate or as may be offered by the grievant or respondent.⁸⁰

Decisions regarding grievability. Determinations of grievability are made by the school board within 10 days of a request by the school administration or the grievant, following written or oral arguments presented by these parties. The determination by the school board is appealable to the circuit court having jurisdiction in the school division. Notice of appeals must be filed with the school board within 10 days of the determination; a copy must be given to all parties. The school board then has 10 days to transmit to the clerk of the court a copy of its decision and related materials. The court

⁷⁷ Va. Code § 22.1-313 B, C (1993).

⁷⁸ Va. Code § 22.1-309; 22.1-315 (1993).

⁷⁹ Va. Code § 22.1-309; 22.1-310 B; 22.1-311; 22.1-313 (1993).

⁸⁰ Va. Code § 22.1-311; 22.1-313 D (1993).

shall hear the appeal, without a jury, within 10 days of receipt of these materials by the clerk. The court has discretion to receive additional evidence "as the ends of justice require." The court has 15 days to render its decision to affirm, modify, or reverse the school board's determination. The determination of grievability must be made after a grievance is reduced to writing, but before any fact-finding or school board hearing, at which point the right to this determination is deemed waived.⁸¹

Salaries and Benefits

Constrained by competing state budgetary demands, compensation of teachers remains a significant issue in education; many experts believe competitive salary levels will enhance the recruitment and retention of instructional personnel. While the merits of differentiated pay scales, providing monetary rewards for excellence and experience, have been alternatively praised and questioned by various organizations,⁸² educators and reformists agree that competitive salaries are essential to enhance the quality of instruction. Following this debate in Virginia was the Governor's Commission on Excellence in Education, which recognized in 1986 that teacher compensation must be "competitive in the marketplace" and recommended the establishment of guidelines for teacher compensation and a biennial review by the Department of Personnel and Training (DPT).⁸³ The 1987 General Assembly acted on these recommendations, codifying the biennial review requirement and stating that "it is a goal of the Commonwealth that its public school teachers be compensated at a rate that is competitive in order to attract and keep competent teachers."⁸⁴

In its 1990 report, DPT noted that competitiveness need not mean "parity with the labor market"; the unique nature of public sector employment, combined with the necessarily more deliberate response of public employers to market changes, makes determinations of competitiveness with the private sector difficult. Having cited these statistical comparison challenges, the Department nonetheless determined that while "substantial progress" had been made in raising teacher salaries since 1985, the average entry level teaching salary was about six percent behind that of a comparable private sector position.⁸⁵

⁸¹ Va. Code § 22.1-314 (1993).

⁸² E.J. Piphio, "Differential Pay Schedules: A Solution to the Teacher Shortage?" Phi Delta Kappan 453 (March 1983); America 2000, supra note 13, at 23.

⁸³ Excellence in Education, supra note 19, at 10.

⁸⁴ Va. Code § 22.1-289.1 (1993).

⁸⁵ Report of the Department of Personnel and Training on Public School Teacher Compensation, House Document No. 4 at 2, 4, 5 (1990).

Funding Teacher Salaries

State and local education dollars support compensation for public teachers. While the Standards of Quality delineate staffing levels, the state and local share for the compensation required to meet these staff levels is allocated not by instructional positions but by programs, such as basic aid and special and vocational education, as well as gifted, talented, and remedial education. The 1993 Appropriation Act allocates funds for teacher salaries on the basis of "statewide prevailing salary levels"--the expenditure level about which most school divisions tend to cluster--and the actual number of required positions. For elementary school teachers, that figure is \$28,377; for secondary school teachers, \$30,667. These amounts do not establish a minimum required teacher salary, but simply provide a method of calculating the state and local share for teacher compensation.⁸⁶ Consistent with the recommendations of the Governor's Commission on Educational Opportunity for All Virginians, the Commonwealth does not employ a statewide payscale for teachers.⁸⁷

Localities have some discretion, of course, in the application of the state's contribution for teacher's salaries and may elect to use a portion of these funds for other SOQ initiatives. In addition, the locality may choose to supplement its required local contribution for teacher compensation, further exacerbating variations in teacher salaries across the Commonwealth. While the statewide average annual teacher salary in 1991-92 was \$32,764, division averages ranged from \$22,128 in Highland County to \$45,762 in Falls Church.⁸⁸ Payment schedules may be on a monthly, semi-monthly, or biweekly basis, as determined by the local school board.⁸⁹ The 1993-94 biennial budget includes a \$25,176,797 teacher salary incentive payment to finance a three percent increase in teacher salaries and benefits on December 1, 1993.⁹⁰

⁸⁶ Report of the Joint Legislative Audit and Review Commission, Funding the Standards of Quality Part 2: SOQ Costs and Distribution, Senate Document No. 25 at 9, 10 (1988) [hereinafter referred to as Senate Document No. 25]; 1993 Acts of Assembly, c. 994, § 1-46, Item 134.

⁸⁷ Governor's Commission on Educational Opportunity for All Virginians, Summary Report at 22 (February 1991).

⁸⁸ Superintendent's Report, supra note 57, at 72-79.

⁸⁹ Va. Code § 22.1-296 (1993).

⁹⁰ 1993 Acts of Assembly, c. 994, § 1-46, Item 135 A 8.

TABLE 1
Estimated Average Annual Salary of Teachers in Public
Elementary and Secondary Schools, by State, 1969-1993

State	Current dollars						Constant 1992-93 dollars ¹					Percent change, 1979-90 to 1992-93 in constant dollars
	1969-70	1979-80	1989-90	1990-91 ²	1991-92	1992-93	1969-70	1979-80	1989-90	1990-91	1991-92	
1	2	3	4	5	6	7	8	9	10	11	12	13
United States	\$8,626	\$15,970	\$31,391	\$33,114	\$34,098	\$35,334	\$32,546	\$29,319	\$35,235	\$35,243	\$35,163	20.5
Alabama	6,818	13,060	24,828	26,874	26,951	27,490	25,724	23,977	27,869	28,601	27,793	14.7
Alaska	10,560	27,210	43,153	43,427	³ 44,718	³ 46,373	39,843	49,954	48,438	46,218	46,115	-7.2
Arizona	8,711	15,054	29,402	30,773	31,176	32,403	32,867	27,637	33,003	32,751	32,150	17.2
Arkansas	6,307	12,299	22,352	23,611	27,070	27,598	23,796	22,580	25,089	25,129	27,916	22.2
California	10,315	18,020	37,998	39,596	³ 40,192	³ 41,400	38,918	33,083	42,651	42,143	41,447	25.1
Colorado	7,761	16,205	30,758	31,819	33,072	33,541	29,282	29,750	34,525	33,864	34,105	12.7
Connecticut	9,262	16,229	40,461	43,806	46,971	³ 48,850	34,946	29,795	45,416	46,624	48,438	64.0
Delaware	9,015	16,148	33,377	35,246	34,548	36,217	34,014	29,646	37,465	37,512	35,627	22.2
District of Columbia	10,285	22,190	38,402	39,497	38,798	38,168	38,805	40,738	43,105	42,036	40,010	-6.3
Florida	8,412	14,149	28,803	30,555	31,070	31,153	31,738	25,976	32,330	32,519	32,040	19.9
Georgia	7,276	13,853	28,006	29,172	29,509	30,626	27,452	25,432	31,436	31,047	30,431	20.4
Hawaii	9,453	19,920	32,047	32,541	34,528	38,470	35,666	36,571	35,972	34,633	35,607	-0.3
Idaho	6,890	13,611	23,861	25,485	26,334	27,156	25,996	24,988	26,783	27,123	27,157	8.7
Illinois	9,569	17,601	32,794	34,605	36,461	38,576	36,104	32,313	36,810	36,829	37,600	19.4
Indiana	8,833	15,599	30,378	33,891	³ 34,809	³ 37,446	33,327	28,638	34,098	36,069	35,896	30.8
Iowa	8,355	15,203	26,747	27,977	29,202	30,124	31,523	27,911	30,023	29,775	30,114	7.9
Kansas	7,612	13,690	28,744	29,767	30,731	33,133	28,720	25,133	32,264	31,680	31,691	31.8
Kentucky	6,953	14,520	26,292	29,115	30,870	31,487	26,234	26,657	29,512	30,986	31,834	18.1
Louisiana	7,028	13,760	24,300	26,240	25,948	26,074	26,517	25,262	27,276	27,927	26,758	3.2
Maine	7,572	13,071	26,881	28,531	30,097	30,258	28,569	23,997	30,173	30,365	31,037	26.1
Maryland	9,383	17,558	36,319	38,728	38,728	39,141	35,402	32,234	40,767	41,217	39,938	21.4
Massachusetts	8,764	17,253	34,712	36,460	37,256	³ 39,245	33,067	31,674	38,963	38,804	38,420	23.9
Michigan	9,826	19,663	37,072	39,449	³ 41,149	³ 43,331	37,073	36,099	41,612	41,985	42,434	20.0
Minnesota	8,658	15,912	32,190	33,126	34,451	35,656	32,667	29,213	36,132	35,255	35,527	22.1
Mississippi	5,798	11,850	24,292	24,366	24,367	24,369	21,676	21,765	27,267	25,932	25,128	12.0
Missouri	7,799	13,682	27,094	28,296	28,895	29,410	29,426	25,119	30,412	30,104	29,798	17.1
Montana	7,606	14,537	25,081	26,774	27,590	³ 28,514	26,697	26,688	28,153	28,495	28,452	6.8
Nebraska	7,375	13,516	25,522	26,592	27,231	28,718	27,826	24,814	28,648	28,301	28,092	15.7
Nevada	9,215	16,295	30,590	32,209	33,857	34,119	34,768	29,916	34,336	34,279	34,915	14.1
New Hampshire	7,771	13,017	28,986	31,273	33,170	33,931	29,320	23,898	32,536	33,263	34,206	42.0
New Jersey	9,130	17,161	35,676	38,411	41,027	43,997	34,447	31,506	40,045	40,880	42,309	39.6
New Mexico	7,796	14,887	24,756	25,735	26,369	26,355	29,414	27,331	27,788	27,389	27,213	-3.6
New York	10,336	19,812	38,925	42,080	43,335	44,600	38,998	36,372	43,692	44,785	44,689	22.5
North Carolina	7,494	14,117	27,883	29,276	28,791	29,367	28,275	25,917	31,298	31,158	29,690	13.3
North Dakota	6,696	13,263	23,016	23,574	24,495	25,211	25,264	24,349	25,835	25,089	25,260	3.5
Ohio	8,300	15,269	31,218	32,615	33,243	34,600	31,316	28,032	35,041	34,711	34,281	23.4
Oklahoma	6,882	13,107	23,070	24,457	25,339	26,051	25,966	24,063	25,895	26,029	26,130	8.3
Oregon	8,818	16,266	30,840	32,300	34,100	³ 35,435	33,270	29,862	34,617	34,376	35,165	18.7
Pennsylvania	8,858	16,515	33,338	36,057	38,715	41,580	33,421	30,320	37,421	38,375	39,924	37.1
Rhode Island	8,776	18,002	36,057	34,997	36,417	37,510	33,112	33,050	40,473	37,247	37,555	13.5
South Carolina	6,927	13,063	27,217	28,301	28,068	29,151	26,136	23,982	30,550	30,120	28,945	21.6
South Dakota	6,403	12,348	21,300	22,376	23,291	24,125	24,159	22,669	23,909	23,614	24,019	6.4
Tennessee	7,050	13,972	27,052	28,248	28,621	29,313	26,600	25,651	30,365	30,064	29,515	14.3
Texas	7,255	14,132	27,496	28,321	29,041	29,935	27,373	25,945	30,863	30,141	29,948	15.4
Utah	7,644	14,909	23,686	25,578	26,339	26,997	28,841	27,371	26,587	27,222	27,162	-1.4
Vermont	7,968	12,484	28,798	31,236	33,646	34,824	30,063	22,919	32,325	33,244	34,697	51.9
Virginia	8,070	14,060	30,938	32,239	31,657	32,356	30,448	25,812	34,727	34,311	32,646	25.4
Washington	9,225	18,820	30,457	33,079	34,823	35,870	34,806	34,551	34,187	35,205	35,911	3.8
West Virginia	7,650	13,710	22,842	25,967	27,366	30,301	28,863	25,170	25,639	27,636	28,221	20.4
Wisconsin	8,963	16,006	31,921	33,209	35,227	36,477	33,817	29,385	35,830	35,344	36,327	24.1
Wyoming	8,232	16,012	28,188	28,988	30,425	30,850	31,059	29,396	31,640	30,851	31,375	4.9

¹ Based on the Consumer Price Index, prepared by the Bureau of Labor Statistics, U.S. Department of Labor. Price index does not account for different rates of change in the cost of living among states.

² Data revised from previously published figures.

³ Estimated by the National Education Association.

Source: U. S. Department of Education, National Center for Education Statistics, *Digest of Education Statistics 1993* 85 (October 1993).

Fringe Benefits

Localities must also provide retirement, life insurance, and social security benefits for teachers. Although not required, most divisions also provide some form of

health insurance.⁹¹ Retirement benefits are provided through the Virginia Retirement System (VRS), which contemplates coverage of persons "regularly employed full time on a salaried basis as a professional or clerical employee of a county, city, or other local school board."⁹² The Commonwealth reimburses local school divisions not only for the state's share of the employer's VRS contribution, but also for employer contributions to group life insurance and social security. In the 1992-94 fiscal biennium, over \$180 million in Literary Fund moneys were transferred to support retirement contributions for school employees.⁹³

Other Issues

Merit Pay. The use of merit pay as a mechanism for rewarding excellence in the performance of public school teachers declined in the late 1960s and early 1970s, reflecting an increased emphasis instead upon evaluation to improve teacher performance.⁹⁴ In the Commonwealth, only Fairfax County has pursued merit pay for its teachers in recent years; however, the local school board voted in early 1993 to discontinue the program, criticized by some since its inception for overlooking many good teachers.⁹⁵

Professional Development. The Standards of Quality require ongoing professional development for teachers and administrative personnel. Standard 3 mandates periodic in-service training in preparing tests and assessments, while Standard 5 requires various professional development programs for teachers and other school personnel.⁹⁶

Duty-Free Incentive Lunch Fund. The 1993 budget makes clear the Legislature's intent that "each classroom teacher be provided an unencumbered duty-free lunch period" of at least 30 minutes daily. A Duty-Free Lunch Incentive Fund is established in the Code of Virginia to provide localities a proportionate share based on the number of teachers in the division whose duties require at least five and one-half hours at school. Board of Education regulations govern the allocation of this Fund.⁹⁷

⁹¹ Senate Document No. 25, *supra* note 87, at 16.

⁹² Va. Code § 51.1-101 (1993).

⁹³ Va. Code §§ 51.1-700 *et seq.*; 51.1-500 *et seq.* (1990 and 1993 Supp.); 1993 Acts of Assembly, c. 994, §1-46, Item 134.

⁹⁴ Study of Teacher Evaluation in Virginia's Public Schools, House Document No. 9 at 9, 10 (1974).

⁹⁵ "Virginia District Abandons Merit Pay for Teachers," Education Daily 2 (March 15, 1993).

⁹⁶ Va. Code §§ 22.1-253.13:3; 22.1-253.13:5 (1993).

⁹⁷ Va. Code § 22.1-291 (1993); 1993 Acts of Assembly, c. 994, § 1-46, Item 135 C 2(b).

Workload. Standard G of the Standards of Accreditation establishes standard workloads for public school teachers. Middle school teachers with a seven-period day may teach 30 class periods a week; all middle school teachers having more than 25 class periods per week are entitled to one "free" period a day "unencumbered of all teaching and/or supervisory duties." With limited exceptions, high school teachers may teach no more than 25 class periods per week. A one-hour planning period is provided for full-time teachers for instructional planning. Elementary school teachers are not allotted a planning period.⁹⁸

Principals

Employment Generally

Described as "the single most important person in a school," the principal is to "set the tone and expectations for learning."⁹⁹ Employed by the school board upon the recommendation of the division superintendent, the principal is responsible for "instructional leadership and effective school management that promotes positive student outcomes, including achievement of individual students."¹⁰⁰ Consistent with this managerial authority, the principal may submit recommendations to the division superintendent for the appointment, assignment, promotion, and dismissal of personnel under his supervision.¹⁰¹ Like teachers, persons employed as principals, assistant principals, and supervisors must also complete a three-year probationary term of service before achieving continuing contract status; this probationary term is required even if the individual has previously reached continuing contract status as a teacher.

Continuing contract status does not insulate the principal from reassignment to a teaching position and a concomitant salary reduction. While a showing of "good and just cause" is not necessary to support reassignment, any reassignment or salary reduction must be preceded by written notice and an opportunity to meet with the division superintendent, his designee, or the school board. The decision to reassign and reduce salary ultimately rests with the school board. Although the teacher grievance procedure does not apply to principals, this informal hearing process affords the principal similar due process protections.¹⁰²

⁹⁸ Standards of Accreditation, *supra* note 56, at 27, § 8.1 E, F.

⁹⁹ Excellence in Education, *supra* note 19, at 11.

¹⁰⁰ Standards of Accreditation, *supra* note 56, at 20, § 5.1.

¹⁰¹ Va. Code § 22.1-293 (1993).

¹⁰² Va. Code § 22.1-294 (1993).

Qualifications and Licensure

Acknowledging the crucial leadership role filled by the school principal, the 1986 Governor's Commission on Excellence in Education cited the need for revision in graduate programs in school administration to enhance preparation and training.¹⁰³ Persons employed as principals must hold a Postgraduate Professional License and must have had three years of full-time teaching experience. In addition, the principal must have completed an approved principal preparation program, including a full-time internship.¹⁰⁴

Staffing Levels and Duties

Principals and supervisory personnel are not included within the instructional personnel pupil-teacher ratios detailed in the Standards of Quality.¹⁰⁵ The Standards of Accreditation, however, dictate staffing levels for principals and other personnel according to type of school and student enrollment. The principal at each middle and high school must be employed on a 12-month basis.

The Standards of Accreditation outline a myriad of duties assigned to the principal. Teacher evaluation, supervision of instruction, curriculum development, and enhancing community and parental involvement are all within the principal's bailiwick. Preparation of the biennial school plan is also the principal's duty, as is the development of a written procedure for referral of students for treatment for substance abuse.¹⁰⁶ Ensuring the continued professional development of administrative personnel is Standard 5 of the Standards of Quality, which mandates these programs "to increase proficiency in instructional leadership and management."¹⁰⁷

In 1991-92, nearly 1,800 principals were employed in Virginia public schools. The average salary for these administrators was \$52,798, reflecting a high of \$75,730 in Arlington and a low of \$34,790 in Highland County. Assistant principals numbered approximately 1,500, averaging \$45,146 in annual salary; actual salaries ranged from \$30,866 in Dickenson County to \$69,762 in Arlington. Calculation of the state and local share for the compensation of principals is based on prevailing statewide salary levels and the number of required positions.¹⁰⁸

¹⁰³ Excellence in Education, *supra* note 19, at 11.

¹⁰⁴ Licensure Regulations, *supra* note 20, at 54-55, § 8.5.

¹⁰⁵ Va. Code § 22.1-253.13:1 (1993).

¹⁰⁶ Standards of Accreditation, *supra* note 57, at 27, 20; Va. Code § 22.1-253.13:6 C (1993).

¹⁰⁷ Va. Code § 22.1-253.13:5 (1993).

¹⁰⁸ Superintendent's Report, *supra* note 57, at 72-79; 1993 Acts of Assembly, c. 994, § 1-46, Item 134.

Staffing Levels for Administrative and Other School Personnel (Standards of Accreditation)

Position	Elementary	Middle	Secondary
Principal	1 half-time to 299 1 full-time to 300	1 full-time	1 full-time
Assistant Principal	1 half-time at 600 1 full-time at 900	1 full-time each 600	1 full-time each 600
Librarian	Part-time to 299 1 full-time at 300	1 half-time to 299 1 full-time at 300 2 full-time at 1,000	1 half-time to 299 1 full-time at 300 2 full-time at 1,000
Guidance Counselors	1 hour per day per 100 1 full-time at 500 1 hour per day additional timer per 100 or major fraction	1 period per 80 1 full-time at 400 1 additional period per 80 or major fraction	1 period per 70 1 full-time at 350 1 additional period per 70 or major fraction
Clerical	Part-time to 299	1 full-time and 1 additional full-time for each 600 beyond 200 and 1 full-time for the library at 750	1 full-time and 1 additional full-time for each 600 beyond 200 and 1 full-time for the library at 750

Source: Virginia Department of Education, *Standards and Regulations for Public Schools in Virginia* (1992).

Additional Instructional, Supervisory, and Support Personnel

Standard 2 of the Standards of Quality directs school boards to provide support services--including administrative, instructional, pupil personnel, and other services "to ensure the goal of quality education." These services are funded from basic school aid on the basis of prevailing statewide costs and include a variety of school personnel. The Standards of Accreditation also cite the provision of these services.¹⁰⁹ Board of Education regulations establish a range of requirements for endorsement in these areas.

¹⁰⁹ Va. Code § 22.1-253.13:2 (1993); Standards of Accreditation, *supra* note 56, at 27.

Instructional supervisory personnel, like principals and assistant principals, must hold a Postgraduate Professional License. Endorsement is contingent upon graduate work in the supervision and evaluation of instruction, social psychology of organizations, curriculum development, school administration, school law, child growth and development, and learning theory. Persons seeking this endorsement in a specialized level or area must also have had three years of full-time teaching experience in that area or grade level. Persons seeking district supervisory positions with general instructional supervisory duties, such as director of instruction or general supervisor, must also have had at least three years of recent experience as a teacher, administrator, or supervisor and formal graduate study in curriculum in at least two of three grade levels (elementary, middle, or secondary). Persons holding supervisory positions are entitled to the informal hearing procedure granted principals in cases of reassignment and salary reduction.¹¹⁰

Pupil personnel services positions, which include guidance counselors, school psychologists, visiting teachers, and social workers, require the pupil personnel services license and are also subject to a range of endorsement requirements. **Guidance counselors** must either hold a master's degree from an approved program in school guidance and counseling or a master's degree from an accredited institution and have completed an approved school guidance and counseling program, and must have at least two years' experience in guidance and counseling or full-time teaching. Graduate study shall have emphasized educational and psychological measurement, research and evaluation, and counseling and guidance processes and must have included an internship of 200 clock hours of guidance and counseling in an educational setting at the level of endorsement.¹¹¹

School psychologists must complete 60 hours of graduate study culminating in at least a master's degree in school psychology from an approved program or hold a certificate issued by the National School Psychology Certification Board. A full-year, supervised internship featuring experience at multiple grade levels is also a prerequisite. The **school social worker** holds a master's degree from an accredited school of social work and must have completed either a supervised practicum or one year of supervised experience as a school social worker. Similarly, the **visiting teacher** must have a master's degree and have one year of supervised experience as a visiting teacher as well as one year of full-time experience as a teacher or as a pupil personnel professional.¹¹²

Special endorsement requirements must be satisfied for service as a **reading specialist** or as **library media personnel**. These instructional personnel are included as teachers for purposes of the grievance procedure, probationary and continuing contract

¹¹⁰ Licensure Regulations, *supra* note 20, at 52, § 8.2; Va. Code § 22.1-294 (1993).

¹¹¹ Licensure Regulations, *supra* note 20, at 53-54, § 8.4.

¹¹² *Id.* at 55-57, §§ 8.6, 8.7, 8.8.

status, and disciplinary actions. Staffing levels for librarians are set forth in the Standards of Accreditation (see table, above).¹¹³

Teacher's aides are required by the Standards of Quality in kindergarten classrooms in which the average daily membership exceeds 25 pupils. Like the compensation of other instructional personnel, teacher's aides salaries are funded on the basis of statewide prevailing salary levels and the actual number of required positions. For fiscal year 1993-94, the computed teacher's aide salary was \$9,912.¹¹⁴

Included among the support services required by the Standards of Quality are student attendance and health services. Although no staffing levels are established in statute or regulation, school boards may employ **school nurses, physicians, physical therapists, occupational therapists, and speech therapists**. Standards for these health positions are established by the Board of Education. With the approval of the local governing body, the local health department may provide personnel for school health services. School health advisory boards, comprised of parents, students, health professionals, educators, and others, assist in the development of health policy in the school division.¹¹⁵ Health services in the public schools have received repeated scrutiny in Virginia. Most recently, a 1989 report by the Department of Education noted that 14 of the Commonwealth's school divisions have no school nurse; the overall school nurse to student ratio was .58 to 1,000. Legislation that would have established specific nurse/pupil ratios failed in the 1993 Session.¹¹⁶ Because there are no mandated staffing levels for school health services, the state and local share for this required support service is calculated on a prevailing statewide basis, taking into consideration those health services already provided by local health departments, and is included in basic operation costs.¹¹⁷

School bus drivers have a unique status among school personnel, as they must complete a special training program developed by the Board of Education. Applicants for school bus driver positions must have reached age 18 by the first day of the school year, submit to a physical examination, agree to drug testing, supply a statement

¹¹³ Licensure Regulations, *supra* note 20, at 35-36, § 7.38; Standards of Accreditation, *supra* note 56, at 20.

¹¹⁴ Va. Code § 22.1-253.13:1 G (1993); 1993 Acts of Assembly, c. 994, § 1-46, Item 134.

¹¹⁵ Va. Code §§ 22.1-253.13:2; 22.1-274; 22.1-275.1 (1993).

¹¹⁶ Report of the Department of Education on A Study on Ways to Encourage Local School Divisions to Recognize the Importance of School Nurses and the Feasibility of Establishing Standards for School Health Services, House Document No. 19 at 3 (1989); HB 2188 (1993).

¹¹⁷ Report of the Joint Legislative Audit and Review Commission, Funding the Standards of Quality Part 1: Assessing SOQ Costs, Senate Document No. 20 at 53, 54 (1986) [hereinafter referred to as Senate Document No. 20]; *see also*, Joint Legislative Audit and Review Commission, Technical Appendix--Assessing School Nursing Costs (Exposure Draft) (1988); 1993 Acts of Assembly, c. 994, § 1-46, Item 135 A3.

indicating good moral character and a driving record free of convictions for the preceding five years, and exhibit a school bus driver's license. A statutory provision requiring retirement at age seventy was repealed in 1992. Although not considered "teachers" for the purposes of grievance and contract processes, school bus drivers are entitled to VRS and other school employee benefits coverage if employed on a full-time basis.¹¹⁸ While school divisions are only required to provide transportation services for handicapped pupils, state and local funds nonetheless support compensation for transportation services for all pupils. Like school health personnel services, there are no mandated staffing levels for school bus drivers; state and local funds are provided through basic operation costs. Separate calculations are made for the transportation of "mainstream" and special arrangement pupils, based not on a prevailing statewide cost but on the basis of prevailing costs in similar or "clustered" school divisions.¹¹⁹

Pursuant to the Standards of Quality, **support services** must be available to maintain school grounds and property. Custodial and maintenance personnel are also compensated through state and local funds on the basis of prevailing statewide costs.¹²⁰ **Cafeteria services** are not contemplated in the Standards of Quality or Accreditation. Federal, state, and sometimes local dollars support these personnel.¹²¹

While specific grievance procedures are codified for teachers and administrators, local school boards must establish and administer a grievance procedure for all other school board employees who have completed a probationary employment period, not to exceed 18 months. The procedure must provide a timely method of resolving disputes regarding dismissals, suspensions, and other disciplinary actions. Finally, the procedure must be consistent with Board of Education regulations, with the exception that no fact-finding panel is included.¹²²

¹¹⁸ Va. Code §§ 22.1-181; 22.1-178 (1985 and 1992 Supp.); 51.1-100 *et seq.*; 51.1-500 *et seq.*; 51.1-700 *et seq.* (1990 and 1992 Supp.); 1992 Acts of Assembly, c.130.

¹¹⁹ Senate Document No. 20, *supra* note 118, at 53, 54; *see also*, Joint Legislative Audit and Review Commission, Technical Appendix--Estimating Pupil Transportation Costs (Exposure Draft) (1988); 1993 Acts of Assembly, c. 994, § 1-46, Item 135 A3.

¹²⁰ Va. Code § 22.1-253.13:2 (1993); Senate Document No. 20, *supra* note 118, at 53, 54; 1993 Acts of Assembly, c. 994, § 1-46, Item 135 A3.

¹²¹ Virginia Department of Education, "Tell Me About School Lunch--Answers for Parents" (September, 1989).

¹²² Va. Code § 22.1-79.1 (1993).

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Instructional Personnel Positions Per 1,000 Students in ADM¹ 1991-92

Division	Number of Instructional Personnel Positions ² (End-of-Year)	Student ADM ³ (End-of-Year)	Instructional Personnel Per 1000 Students ⁴
COUNTIES			
Accomack	404.50	5,146	78.6
Albemarle	745.39	10,143	73.5
Alleghany Highlands ⁵	235.20	3,123	75.3
Amelia	106.57	1,643	64.9
Amherst	296.11	4,588	64.5
Appomattox	159.23	2,290	69.5
Arlington	1,286.76	15,126	85.1
Augusta	754.43	9,888	76.3
Bath	78.34	780	100.4
Bedford ⁶	621.50	8,643	71.9
Bland	82.50	1,037	79.6
Botetourt	287.22	4,184	68.6
Brunswick	173.40	2,637	65.8
Buchanan	463.23	6,141	75.4
Buckingham	139.62	2,044	68.3
Campbell	484.90	8,228	58.9
Caroline	236.00	3,481	67.8
Carroll	279.80	4,058	69.0
Charles City	78.50	1,033	76.0
Charlotte	127.70	2,017	63.3
Chesterfield	2,890.79	45,456	63.6
Clarke	118.47	1,632	72.6
Craig	51.00	646	78.9
Culpeper	353.50	4,918	71.9
Cumberland	77.10	1,166	66.1
Dickenson	267.35	3,484	76.7
Dinwiddie	276.00	3,681	75.0
Essex	99.95	1,542	64.8
Fairfax ⁷	9,176.10	131,771	69.6
Fauquier	622.40	8,307	74.9
Floyd	140.61	1,886	74.6
Fluvanna	144.05	2,210	65.2
Franklin	426.60	6,282	67.9
Frederick	604.29	8,427	71.7
Giles	179.07	2,631	68.1
Gloucester	427.60	5,870	72.8
Goochland	161.00	1,715	93.9
Grayson	154.45	2,205	70.0
Greene	151.00	1,876	80.5

Instructional Personnel Positions Per 1,000 Students in ADM¹ 1991-92

Division	Number of Instructional Personnel Positions² (End-of-Year)	Student ADM³ (End-of-Year)	Instructional Personnel Per 1000 Students⁴
Greensville ⁸	187.45	2,761	67.9
Halifax	196.95	5,167	38.1
Hanover	812.00	11,690	69.5
Henrico	2,282.66	33,250	68.7
Henry	675.56	9,017	74.9
Highland	41.00	379	108.2
Isle Of Wight	315.70	4,236	74.5
King George	191.00	2,569	74.3
King And Queen	69.04	905	76.3
King William	125.50	1,567	80.1
Lancaster	96.00	1,600	60.0
Lee	307.05	4,460	68.8
Loudoun	1,106.79	14,948	74.0
Louisa	257.68	3,614	71.3
Lunenburg	165.15	2,215	74.6
Madison	129.50	1,883	68.8
Mathews	95.30	1,261	75.6
Mecklenburg	363.76	5,030	72.3
Middlesex	96.80	1,194	81.1
Montgomery	613.16	8,438	72.7
Nelson	158.87	2,037	78.0
New Kent	151.25	1,963	77.1
Northampton	180.24	2,447	73.7
Northumberland	97.85	1,437	68.1
Nottoway	142.49	2,376	60.0
Orange	266.10	3,775	70.5
Page	228.28	3,428	66.6
Patrick	183.98	2,666	69.0
Pittsylvania	654.91	9,476	69.1
Powhatan	149.68	2,359	63.5
Prince Edward	167.76	2,511	66.8
Prince George	341.40	5,109	66.8
Prince William	3,013.69	42,858	70.3
Pulaski	355.00	5,395	65.8
Rappahannock	69.67	992	70.2
Richmond	79.56	1,290	61.7
Roanoke	1,017.50	13,326	76.4
Rockbridge	201.22	3,084	65.2
Rockingham	706.60	9,347	75.6
Russell	339.00	5,072	66.8
Scott	311.25	4,057	76.7

Instructional Personnel Positions Per 1,000 Students in ADM¹ 1991-92

Division	Number of Instructional Personnel Positions² (End-of-Year)	Student ADM³ (End-of-Year)	Instructional Personnel Per 1000 Students⁴
Shenandoah	365.08	4,851	75.3
Smyth	377.58	5,434	69.5
Southampton	204.49	2,616	78.2
Spotsylvania	869.13	12,978	67.0
Stafford	875.14	13,049	67.1
Surry	87.00	1,187	73.3
Sussex	66.30	1,452	45.7
Tazewell	549.40	8,721	63.0
Warren	247.11	4,322	57.2
Washington	534.19	7,451	71.7
Westmoreland	112.00	1,893	59.2
Wise	546.97	8,422	64.9
Wythe	303.75	4,346	69.9
York	598.25	9,766	61.3
Alexandria	800.00	9,564	83.6
Bristol	203.12	2,613	77.7
Buena Vista	80.99	1,071	75.6
Charlottesville	355.15	4,489	79.1
Chesapeake	1,925.50	30,191	63.8
Colonial Heights	204.30	2,604	78.5
Covington	79.10	970	81.5
Danville	615.01	8,332	73.8
Falls Church	97.43	1,217	80.1
Franklin City	112.82	1,863	60.6
Fredericksburg	167.70	2,047	81.9
Galax	79.61	1,148	69.3
Hampton	1,449.87	21,912	66.2
Harrisonburg	248.22	3,272	75.9
Hopewell	262.50	4,084	64.3
Lexington	39.16	492	79.6
Lynchburg	683.70	9,354	73.1
Manassas	379.68	5,028	75.5
Manassas Park	103.27	1,346	76.7
Martinsville	223.90	2,743	81.6
Newport News	1,808.60	29,390	61.5
Norfolk	2,224.00	35,333	62.9
Norton	62.34	902	69.1
Petersburg	348.70	5,872	59.4
Poquoson	150.09	2,322	64.6
Portsmouth	1,228.60	18,249	67.3
Radford	110.32	1,514	72.9

Instructional Personnel Positions Per 1,000 Students in ADM¹ 1991-92

Division	Number of Instructional Personnel Positions ² (End-of-Year)	Student ADM ³ (End-of-Year)	Instructional Personnel Per 1000 Students ⁴
Richmond City	1,829.40	25,936	70.5
Roanoke City	820.02	12,554	65.3
Salem	261.80	3,566	73.4
South Boston	54.27	1,299	41.8
Staunton	249.13	3,014	82.7
Suffolk	560.92	9,034	62.1
Virginia Beach	4,705.60	71,847	65.5
Waynesboro	197.58	2,791	70.8
Williamsburg ⁹	468.39	6,303	74.3
Winchester	245.92	3,055	80.5
Colonial Beach	44.00	641	68.6
West Point	67.50	670	100.7
State Total	69,591.18	1,008,244	69.0

- 1 Instructional personnel positions include only principals, assistant principals, guidance counselors, librarians and teachers.
- 2 Positions paid with state and local funds but not with federal funds.
- 3 Unadjusted ADM.
- 4 See Standard 1 E of the *1991 Standards of Quality*.
- 5 Alleghany Highlands is the merger of Alleghany County and Clifton Forge City.
- 6 Bedford County data include Bedford County.
- 7 Fairfax County data include Fairfax City.
- 8 Greensville County data include Emporia City.
- 9 Williamsburg City data include James City County.

Source: Virginia Department of Education, *Superintendent's Annual Report for Virginia 1991-92* at 65 - 66 (Table 17) (1993).

**Administrative, Service, and Support Personnel Positions - Equated Full Time
1991-92**

Division	Superintendent and Assistant Superintendent	Clerical and Technical	Teacher Aides	Facilities	Attendance and Health	Pupil Transportation	Operation & Maintenance	Other Professional Administrative	Instructional Support
COUNTIES									
Accomack	2.00	50.50	93.00	0.00	8.00	96.00	27.50	7.00	0.00
Albemarle	2.00	98.86	157.77	0.00	4.85	226.00	113.81	18.70	0.00
Alleghany Highlands	1.00	21.91	33.00	0.00	3.00	49.15	36.60	5.29	0.14
Amelia	1.00	12.00	16.00	0.00	1.00	29.17	14.01	3.99	0.00
Amherst	3.00	34.00	36.00	0.09	5.50	73.50	36.50	1.00	4.50
Appomattox	2.00	19.00	20.00	0.00	3.33	52.00	15.00	1.34	0.00
Arlington	5.00	218.70	1.00	0.00	12.80	84.00	254.40	31.20	194.25
Augusta	3.00	64.74	66.00	0.00	4.10	167.50	75.50	5.00	10.50
Bath	1.00	30.00	0.00	0.00	1.40	17.78	8.78	2.60	0.00
Bedford	1.00	49.00	68.00	0.00	8.00	145.00	72.00	8.00	0.00
Bland	2.00	7.50	14.00	0.00	1.50	23.00	10.00	4.50	0.00
Botetourt	2.50	29.00	28.50	1.00	3.00	61.50	35.50	5.00	0.00
Brunswick	2.00	25.30	56.20	0.00	3.00	70.00	29.00	4.00	0.10
Buchanan	1.00	32.50	18.00	0.00	3.00	94.50	97.00	3.00	6.00
Buckingham	1.00	27.95	19.02	0.34	0.00	43.00	9.00	3.50	4.00
Campbell	1.00	91.70	32.60	0.00	8.50	71.10	71.00	11.00	5.00
Caroline	1.00	30.00	44.00	1.00	4.00	76.50	43.00	5.00	1.00
Carroll	1.00	41.60	39.02	0.00	2.75	87.70	43.10	1.00	5.90
Charles City	1.00	10.00	21.00	0.00	1.00	28.25	12.00	5.75	0.00
Charlotte	1.25	20.20	16.90	0.00	0.03	47.00	24.50	5.75	0.00
Chesterfield	3.00	320.76	507.54	6.00	40.50	412.80	424.21	31.80	22.30
Clarke	1.00	17.35	17.00	0.00	2.15	23.50	9.08	4.00	0.00
Craig	1.00	5.00	6.00	0.00	0.00	10.08	5.00	1.00	0.00
Culpeper	2.00	47.00	61.00	0.50	4.00	80.00	51.00	6.00	0.00
Cumberland	2.00	9.60	4.00	0.00	2.50	25.20	9.20	2.20	1.00
Dickenson	1.00	20.73	23.42	0.00	7.00	67.00	43.67	0.75	5.50
Dinwiddie	1.00	27.00	24.00	0.00	3.00	95.50	39.50	5.00	0.00

**Administrative, Service, and Support Personnel Positions - Equated Full Time
1991-92**

Division	Superintendent and Assistant Superintendent	Clerical and Technical	Teacher Aides	Facilities	Attendance and Health	Pupil Transportation	Operation & Maintenance	Other Professional Administrative	Instructional Support
Essex	2.25	33.71	0.00	0.00	1.50	27.10	16.10	0.60	1.00
Fairfax	17.00	1,831.10	1,308.90	53.00	208.70	1,238.70	2,002.40	516.50	86.70
Fauquier	1.45	104.50	128.00	0.00	6.40	185.60	110.50	15.70	4.00
Floyd	1.50	15.00	16.54	0.00	2.00	49.00	19.40	2.50	0.00
Fluvanna	1.00	15.42	31.50	0.00	2.00	40.00	21.00	4.00	0.00
Franklin	2.00	55.42	48.50	0.00	8.00	121.25	63.00	1.08	6.00
Frederick	2.00	94.51	82.80	0.00	15.99	101.06	74.67	9.03	6.33
Giles	1.00	19.78	39.50	0.00	2.00	39.45	28.55	3.50	0.38
Gloucester	1.00	39.10	18.00	0.00	8.00	99.00	45.00	11.50	0.00
Goochland	1.00	19.40	17.80	0.00	4.00	45.30	22.90	0.30	4.00
Grayson	1.00	25.35	16.00	0.00	2.00	53.50	27.50	0.53	3.59
Greene	2.00	18.00	52.00	0.00	3.00	30.00	11.00	2.00	0.00
Greensville	2.00	20.58	33.50	0.00	2.00	40.00	26.00	1.60	4.90
Halifax	2.80	48.00	36.30	0.00	1.50	129.30	22.00	6.50	22.80
Hanover	1.00	94.75	54.00	0.00	18.50	181.00	98.50	14.00	14.00
Henrico	3.00	326.37	181.88	0.00	34.70	179.76	394.52	34.43	35.92
Henry	1.00	74.50	52.68	0.00	5.00	140.65	98.22	6.00	8.00
Highland	1.00	13.00	0.00	0.00	0.50	9.00	2.00	1.00	0.00
Isle Of Wight	2.00	35.50	51.00	0.00	8.00	86.00	41.00	10.00	0.00
King George	1.00	18.00	26.00	1.00	6.00	44.00	25.00	3.50	1.00
King and Queen	1.00	9.16	11.00	0.33	2.40	29.00	8.58	1.00	0.00
King William	1.50	13.00	14.00	0.00	1.40	27.00	17.00	3.10	0.00
Lancaster	2.00	15.00	12.00	0.00	2.00	29.00	10.00	4.00	0.00
Lee	1.90	30.03	68.00	3.00	3.00	76.00	36.80	5.50	0.00
Loudoun	2.83	221.78	128.50	0.00	28.00	190.30	138.00	29.75	9.03
Louisa	3.00	29.00	36.00	0.00	5.00	63.75	35.00	5.00	1.50
Lunenburg	1.00	20.33	23.92	0.00	1.90	44.50	16.80	4.30	1.29
Madison	1.00	53.00	28.00	1.00	1.00	38.00	14.00	6.00	0.00
Mathews	1.00	10.70	25.00	0.00	3.40	22.50	13.50	3.10	0.00
Mecklenburg	2.42	30.79	34.77	0.00	2.00	109.29	34.50	10.00	5.00

**Administrative, Service, and Support Personnel Positions - Equated Full Time
1991-92**

Division	Superintendent and Assistant Superintendent	Clerical and Technical	Teacher Aides	Facilities	Attendance and Health	Pupil Transportation	Operation & Maintenance	Other Professional Administrative	Instructional Support
Middlesex	1.00	12.00	11.50	0.00	4.00	24.00	10.00	2.00	0.00
Montgomery	1.95	91.47	65.37	0.00	13.00	95.77	109.92	9.23	9.69
Nelson	2.00	18.49	22.80	0.00	1.50	58.50	22.00	2.83	0.00
New Kent	2.00	33.00	32.00	0.00	7.00	49.00	2.00	1.00	0.00
Northampton	2.00	22.00	40.00	0.00	8.50	45.00	34.25	7.00	0.00
Northumberland	1.00	9.00	18.00	0.00	3.00	32.50	13.50	2.00	0.00
Nottoway	1.70	20.00	20.50	0.00	3.00	39.00	16.00	0.99	7.37
Orange	2.00	44.00	70.50	0.00	1.00	76.00	33.35	4.00	5.00
Page	3.00	27.35	54.50	0.00	6.00	40.00	21.30	3.41	0.00
Patrick	1.00	19.67	31.00	0.00	1.70	57.60	26.50	3.30	0.00
Pittsylvania	1.50	61.85	72.30	0.00	4.50	189.50	64.75	8.50	6.00
Powhatan	2.00	22.50	24.70	0.00	2.66	52.00	26.75	4.90	0.05
Prince Edward	2.11	21.03	19.34	0.00	5.27	45.13	24.21	5.18	0.00
Prince George	4.00	53.00	38.00	0.00	7.00	73.00	55.00	7.00	0.00
Prince William	6.00	560.83	356.00	7.70	34.50	420.00	482.25	61.75	0.00
Pulaski	1.25	45.25	67.00	0.00	7.00	68.00	46.00	9.00	0.00
Rappahannock	2.00	6.00	10.00	0.00	1.00	20.75	5.50	1.00	2.00
Richmond	1.00	5.65	12.91	0.00	1.00	24.00	7.04	2.55	0.83
Roanoke	1.00	89.34	151.05	0.00	17.20	157.53	148.45	19.10	2.55
Rockbridge	1.40	22.70	15.00	0.50	4.00	43.25	24.05	3.00	0.20
Rockingham	6.00	74.60	71.20	0.00	7.40	155.00	70.00	11.00	0.00
Russell	1.00	42.00	45.00	0.00	6.00	70.00	44.00	6.00	0.00
Scott	2.00	31.00	52.50	0.00	1.50	73.00	43.50	5.00	0.00
Shenandoah	2.30	29.40	79.50	2.00	6.00	87.00	45.14	4.00	6.15
Smyth	1.00	38.50	24.57	0.00	2.00	54.00	33.00	1.74	6.81
Southampton	2.00	22.24	31.00	1.00	3.00	73.00	24.45	2.25	6.04
Spotsylvania	2.96	84.29	115.50	0.00	22.00	198.50	105.00	11.00	4.76
Stafford	3.00	147.33	142.00	2.50	40.04	108.31	91.89	18.52	0.00
Surry	1.00	12.00	36.00	0.00	2.00	30.00	23.00	1.00	0.00
Sussex	0.65	17.49	23.00	0.00	0.00	32.67	14.60	1.07	1.73

**Administrative, Service, and Support Personnel Positions - Equated Full Time
1991-92**

Division	Superintendent and Assistant Superintendent	Clerical and Technical	Teacher Aides	Facilities	Attendance and Health	Pupil Transportation	Operation & Maintenance	Other Professional Administrative	Instructional Support
Tazewell	1.00	55.00	58.00	0.00	4.00	97.16	81.00	4.50	7.20
Warren	1.00	44.95	38.00	2.00	4.88	44.00	38.24	7.84	3.38
Washington	1.12	58.78	32.00	0.00	7.20	113.13	73.84	10.69	0.00
Westmoreland	1.50	15.00	15.00	0.00	2.50	42.00	19.00	0.00	0.00
Wise	2.00	47.09	27.57	0.33	6.00	108.90	65.94	3.00	9.00
Wythe	1.15	33.56	32.00	0.00	3.00	68.46	37.60	0.00	5.50
York	2.00	68.50	78.00	0.00	18.00	104.00	89.30	11.00	0.00

CITIES

Alexandria	6.00	145.50	121.00	0.00	30.25	79.50	160.00	20.50	13.50
Bristol	2.20	20.00	17.00	0.00	3.00	19.00	8.40	3.70	0.50
Buena Vista	1.00	9.50	6.00	0.00	1.00	8.30	15.00	4.60	0.00
Charlottesville	4.75	49.00	78.00	0.00	10.60	0.00	80.50	11.00	57.00
Chesapeake	4.00	295.00	283.50	1.00	49.00	259.00	328.00	37.15	28.00
Colonial Heights	2.00	27.00	26.00	0.00	3.00	20.00	35.00	4.00	0.00
Covington	1.00	26.33	0.00	0.00	0.77	5.50	14.00	1.18	0.00
Danville	1.00	310.86	107.00	0.06	6.08	86.00	96.00	8.19	9.00
Fairfax City	0.60	2.00	0.00	0.00	0.00	0.00	1.00	0.00	0.00
Falls Church	1.50	30.83	18.69	0.00	3.30	5.01	20.50	2.10	3.20
Franklin City	1.50	19.00	23.00	0.00	2.29	16.16	13.00	3.42	0.00
Fredericksburg	2.00	32.24	29.00	0.00	5.00	12.00	27.00	5.99	0.00
Galax	1.30	14.24	7.79	0.00	2.00	8.48	9.27	7.35	0.93
Hampton	3.00	193.91	201.00	0.00	31.00	112.00	208.67	34.00	11.00
Harrisonburg	1.00	32.59	33.77	0.00	4.00	0.00	30.00	7.00	2.00
Hopewell	2.00	42.00	64.50	0.00	7.00	0.00	56.00	6.00	0.00
Lexington	1.00	4.10	4.50	0.00	1.70	0.00	3.20	0.50	0.50
Lynchburg	3.00	95.00	131.00	0.00	18.50	92.50	108.50	9.50	12.50
Manassas	2.00	54.00	41.00	0.00	5.50	41.00	49.50	4.00	4.86
Manassas Park	1.25	16.43	5.43	0.00	1.00	9.25	11.93	1.24	0.00

**Administrative, Service, and Support Personnel Positions - Equated Full Time
1991-92**

Division	Superintendent and Assistant Superintendent	Clerical and Technical	Teacher Aides	Facilities	Attendance and Health	Pupil Transportation	Operation & Maintenance	Other Professional Administrative	Instructional Support
Martinsville	4.00	51.60	0.00	0.00	4.00	19.50	30.00	0.00	0.00
Newport News	6.00	327.50	294.00	0.00	64.00	317.00	306.50	41.70	38.70
Norfolk	5.60	443.80	296.00	0.00	42.00	274.20	424.80	85.05	58.50
Norton	1.00	21.75	12.50	0.00	0.80	0.00	0.00	1.00	0.00
Petersburg	3.00	60.10	59.80	0.00	10.00	57.00	68.00	9.05	3.00
Poquoson	2.00	19.50	15.00	0.00	6.00	24.10	15.50	3.01	0.00
Portsmouth	2.00	211.45	253.00	0.00	41.00	122.00	275.62	4.00	26.70
Radford	1.00	13.04	3.37	0.00	2.30	0.65	13.00	1.00	2.00
Richmond City	3.00	291.80	256.30	0.00	85.10	227.80	414.90	73.40	19.30
Roanoke City	3.00	149.70	167.00	0.00	9.50	125.00	181.00	19.19	11.58
Salem	2.00	18.00	42.00	0.00	3.00	24.00	29.00	0.00	5.00
South Boston	0.20	5.60	6.40	0.00	0.50	8.10	9.00	1.00	5.80
Staunton	1.25	29.31	26.34	0.00	4.00	19.00	28.07	2.25	4.91
Suffolk	3.08	49.25	131.00	0.00	16.50	125.00	79.00	13.25	0.00
Virginia Beach	3.00	465.75	755.60	9.00	110.00	598.00	804.00	65.00	77.00
Waynesboro	1.00	23.27	16.41	0.00	2.65	12.14	22.50	7.25	0.30
Williamsburg	2.00	69.00	78.00	1.00	19.00	86.50	54.50	6.33	14.50
Winchester	1.50	50.28	51.22	0.00	7.00	12.69	37.79	8.58	1.76
TOWNS									
Colonial Beach	1.00	6.00	7.00	0.00	0.00	6.00	3.00	0.00	0.00
West Point	1.00	9.00	0.00	0.00	2.00	6.00	7.00	2.00	5.00
State (LEA)	270.72	10,438.77	9,701.49	94.35	1,410.49	11,633.78	11,234.27	1,670.22	976.93
Coop. Centers for Exceptional Children	0.00	0.00	0.00	0.00	1.00	0.00	0.00	1.00	0.00

**Administrative, Service, and Support Personnel Positions - Equated Full Time
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Division	Superintendent and Assistant Superintendent	Clerical and Technical	Teacher Aides	Facilities	Attendance and Health	Pupil Transportation	Operation & Maintenance	Other Professional Administrative	Instructional Support
Middle Peninsula Regional Special Education Program	0.00	0.00	3.00	0.00	0.40	0.00	0.00	0.00	0.00
Laurel Regional Special Education Program	0.00	1.00	16.00	0.00	1.00	0.00	0.00	0.00	0.00
Northern Neck Regional Special Education Program	1.00	2.00	6.00	0.00	4.00	0.00	0.00	2.00	0.00
Roanoke Valley Special Education Program	0.00	1.88	19.20	0.00	2.70	0.00	0.00	0.00	0.00
Peninsula Area Coop. Educational Services	0.00	4.00	19.85	0.00	2.00	0.00	1.00	4.00	0.00
Piedmont Regional Education Program	0.00	1.00	1.00	0.00	17.60	0.00	0.00	1.00	0.00
Shenandoah Valley Regional Program for Special Ed	0.00	1.05	23.01	0.00	7.20	0.00	0.00	1.00	0.00
Southeastern Cooperative Educational Program	0.00	8.00	70.00	0.00	0.00	0.00	2.00	2.00	29.00
Southside Regional Services	0.00	1.00	0.00	0.00	0.00	0.00	0.00	1.00	0.00
Amelia - Nottoway	0.00	1.00	0.00	0.00	0.00	0.00	1.00	0.00	0.00
Charlottesville- Albemarle	0.00	6.00	0.00	0.00	0.00	0.00	0.00	1.00	0.00
Dowell J. Howard	0.00	7.00	4.00	0.00	0.00	0.00	2.00	5.00	0.00
Jackson River	0.07	1.90	0.05	0.00	0.00	0.00	2.50	0.00	0.00

**Administrative, Service, and Support Personnel Positions - Equated Full Time
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Division	Superintendent and Assistant Superintendent	Clerical and Technical	Teacher Aides	Facilities	Attendance and Health	Pupil Transportation	Operation & Maintenance	Other Professional Administrative	Instructional Support
Massanutten	0.00	10.00	0.00	0.00	0.00	0.00	0.00	3.00	0.00
New Horizons	0.00	10.00	1.00	0.00	0.00	0.00	7.00	2.00	0.00
Northern Neck	0.00	1.10	0.20	0.00	0.00	0.00	1.00	0.00	0.00
P. D. Pruden	0.00	4.75	0.00	0.00	0.00	0.00	3.25	0.00	0.00
Piedmont	1.00	4.00	1.00	0.00	0.00	0.00	2.00	1.00	0.00
Rowanty	0.00	4.00	0.00	0.00	0.00	0.00	2.00	0.00	0.00
Valley	0.00	5.50	0.00	0.00	0.00	0.00	4.00	0.00	0.00
Clarke Regional Program	0.00	1.00	0.00	0.00	0.00	0.00	2.00	0.00	0.00
Halifax-South Boston	0.00	22.00	16.20	0.00	2.00	3.00	26.00	4.00	0.00
Joint Committee- Lexington High School	0.00	4.62	0.00	0.00	0.00	6.50	4.00	0.00	0.00
State (LEA Plus Regional)	272.79	10,541.57	9,882.00	94.35	1,448.39	11,643.28	11,294.02	1,698.22	1,005.93

Source: Virginia Department of Education, *Superintendent's Annual Report for Virginia 1991-92* at 67 - 70 (Table 18) (1993).